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8

NEW BRUNSWICK.

ACTS OF THE GENERAL ASSEMBLY

PASSED IN THE MONTH OF MARCH

1868.

New Brunswick. Laws, statutes, &c. Session laws

ACTS

OF

THE GENERAL ASSEMBLY

OF

HER MAJESTY'S PROVINCE

OF

NEW BRUNSWICK.

PASSED IN THE MONTH OF MARCH 1868.



FREDERICTON :

G. E. FENETY, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1868.

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TITLES OF THE ACTS.

ANNO TRICESIMO PRIMO VICTORIÆ REGINÆ.

CAP.	PAGE
1. An Act relating to the Office of Receiver General,	9
2. An Act further to amend the Act to regulate the Election of Members to serve in the General Assembly,	10
3. An Act in further addition to the Acts relating to the admission of Attorneys of the Supreme Court,	11
4. An Act to amend Chapter 137, Title xxxvii, of the Revised Statutes, 'Of the jurisdiction of Justices in Civil Suits,'	11
5. An Act to establish an additional Polling place in the City and County of Saint John, and in amendment of an Act to regulate the Election of Members to serve in the General Assembly,	12
6. An Act for the more careful collection and management of the Public Revenue, and the more speedy collection of Crown Debts,	14
7. An Act to facilitate the Settlement of Crown Lands,	19
8. An Act to legalize the acknowledgments of certain Deeds and other Instruments for registry made since the passing of Act of Assembly thirtieth Victoria, Chapter 10, and for other purposes,	20
9. An Act in further amendment of the Law relating to Civic Elections in the City of Saint John,	22
10. An Act to authorize the Town of Woodstock to aid further in the construction of the Woodstock Railway, and to authorize the Woodstock Railway Company to give security therefor,	23
11. An Act to provide for defraying certain expenses of the Civil Government of the Province,	26
12. An Act to provide for the repair and improvement of Roads and Bridges, and other Public Works and Services,	27
13. An Act to amend an Act to establish County Courts,	31
14. An Act in addition to and in amendment of Chapter 96, Title xvii, of the Revised Statutes, 'Of the Survey and Exportation of Lumber,'	39
15. An Act to repeal Section 5, Chapter 15, Title iii, of the Revised Statutes, 'Of the Export Duty on Lumber,' and to make provision in lieu thereof,	39

iv.	TITLES OF THE ACTS.	1868
CAP.		PAGE
16.	An Act in amendment of Chapter 124, Title xxxiv, of the Revised Statutes, 'Of Insolvent Confined Debtors,'	40
17.	An Act in further amendment of the Acts to regulate the Circuit Courts and Courts of Oyer and Terminer and Sittings after Term,	41
18.	An Act further to amend the Act relating to the administration of Justice in Equity,	42
19.	An Act to amend the Law relating to Notices of Actions,	43
20.	An Act to amend an Act intituled <i>An Act to amend the Law relating to Divorce and Matrimonial Causes,</i>	43
21.	An Act to alter the time of holding the Circuit Court in and for the County of Sunbury,	44
22.	An Act relating to the several Courts of General Sessions of the Peace in this Province,	44
23.	An Act for changing the times for holding the Courts of General Sessions of the Peace for Queen's County,	45
24.	An Act relating to the offices of the Clerk of the Crown on the Circuits and the Clerk of the Circuits,	45
25.	An Act to exempt the Homesteads of Families from levy or sale on Execution,	48
26.	An Act relating to the Venire issued to Coroners,	52
27.	An Act relating to the appointment of Coroners for the City and County of Saint John,	52
28.	An Act in addition to an Act to extend the power of Sheriffs in granting Gaol Limits,	53
29.	An Act to repeal an Act intituled <i>An Act relating to Gaol Limits,</i>	53
30.	An Act relating to the Constitution of the Legislative Council of New Brunswick,	53
31.	An Act in addition to an Act to empower the City Council of the City of Fredericton to contract a Loan in aid of the Fredericton Railway,	56
32.	An Act to enable the Mayor, Aldermen and Commonalty of the City of Fredericton to grant certain facilities to the Fredericton Branch Railway Company,	57
33.	An Act to incorporate the Fredericton Hotel Company,	59
34.	An Act to continue certain Acts for the support of the Police of the City of Saint John,	62

CAP.	PAGE
35. An Act to alter and amend an Act to explain an Act to authorize and empower the Justices of the Peace in and for King's County to sell and convey certain School Lands in the Parish of Springfield,	63
36. An Act in addition to and in amendment of the Law relating to the levying, assessing and collecting of Rates and Taxes in the City of Saint John,	64
37. An Act to incorporate the Carleton (Saint John) Shipwrights' Shipbuilding and Trading Company,	67
38. An Act for the relief of the Reverend Edgar Lowell Foster,	73
39. An Act to authorize the erection of a Sorting Boom on the River Kouchibouguacis,	73
40. An Act in addition to an Act intituled <i>An Act to authorize the Trustees of Saint Stephen's Church, in the City of Saint John, to sell and dispose of certain Lands in the said City, and to reinvest the proceeds thereof,</i>	75
41. An Act to authorize the Justices of the General Sessions of the Peace for Queen's County to raise money by way of Loan for the erection of a new Gaol in the said County,	77
42. An Act to provide a Fund for transmitting information to the General Government with reference to the Route of the Inter-Colonial Railway, and to defray expenses of Survey of Branch towards Houlton,	79
43. An Act in amendment of the Law relating to aid for the construction of Railways,	80
44. An Act relating to the office of Solicitor General,	81
45. An Act to amend Chapter 69, Title x, of the Revised Statutes, 'Of Sewers,'	81
46. An Act to repeal Section two, Chapter 62, Title viii, of the Revised Statutes, 'Of protection of Sheep and Moose,' and to make provision in lieu thereof,	81
47. An Act in addition to and in amendment of the Act eighteenth Victoria, Chapter 37, intituled <i>An Act to regulate the Election of Members to serve in the General Assembly</i> , so far as relates to the County of Gloucester,	82
48. An Act to establish a Polling place for the Parish of Derby, in the County of Northumberland, and in amendment of an Act to regulate the Election of Members to serve in the General Assembly,	82

CAP.	PAGE
49. An Act to establish an additional Polling place in the Parish of New Bandon, in the County of Gloucester,	83
50. An Act to establish an additional Polling place in the Parish of Westfield, in King's County,	84
51. An Act to establish an additional Polling place in the County of Charlotte,	84
52. An Act to authorize the Commissioners of Highways in the Parish of Hampton, in King's County, to establish certain Public Roads in the Village of Hampton in said Parish,	84
53. An Act to incorporate the Saint Andrews Steam Boat Wharf Company,	85
54. An Act to incorporate the Fredericton Bridge Company,	89
55. An Act to continue the several Acts relating to the Maduxnakik Boom Company,	95
56. An Act relating to the Central Bank of New Brunswick,	96
57. An Act to extend the time for the building of the Albert Railway,	97
58. An Act to provide for the erection of a Public Wharf at Richibucto,	97
59. An Act to incorporate the Woodstock Manufacturing Company,	98
60. An Act to alter and amend an Act to incorporate the Saint John Trades Co-operative Association,	102
61. An Act relating to the appointment of Commissioners of Sewers for the unreclaimed Marshes, Bogs, Swamps and Lakes in the County of Westmorland, bordering on the Missiguash River,	103
62. An Act relating to the City Court in the City of Saint John,	104
63. An Act to incorporate the College of Saint Joseph, in the County of Westmorland,	104
64. An Act relating to French Paupers in the Parish of Shediak, in the County of Westmorland,	105
65. An Act to revive and amend an Act to incorporate the Magaguadavic Railway Company,	106
66. An Act to secure the navigation of the Winder Stream, a Branch of the River Magaguadavic,	107
67. An Act to amend the several Acts relating to the Alms House and Work House for the Parish and Town of Woodstock, in the County of Carleton,	107

CAP.	PAGE
68. An Act to enable the County Councillors of the Municipality of Carleton to receive remuneration for their services,	108
69. An Act relating to the Firewards in the Town of Saint Andrews, in the County of Charlotte,	109
70. An Act to amend an Act intituled <i>An Act to empower and authorize the Justices of the Peace for the County of Charlotte to lease a certain piece of Common Land in the Parish of Saint Andrews, and to invest the proceeds towards the support of the Poor of the said Parish,</i>	109
71. An Act to incorporate the Albert Skating Club,	109
72. An Act in amendment of an Act intituled <i>An Act to incorporate the Fredericton Skating Club,</i>	112

Anno Regni Victoriae Britanniarum Reginae Tricesimo Primo.

At the General Assembly of the Province of New Brunswick begun and holden at Fredericton on the twenty first day of June *Anno Domini* one thousand eight hundred and sixty six, in the thirtieth year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and from thence continued by several prorogations to the thirteenth day of February, one thousand eight hundred and sixty eight, being the Third Session of the Twenty ~~second~~ ^{first} General Assembly convened in the said Province.

ACTS
OF
THE GENERAL ASSEMBLY.

31° VICTORIÆ, A. D. 1868.

CAP. I.

An Act relating to the Office of Receiver General.

Sec.

- 1 Provincial Secretary to be Receiver General; Bond to be given; amount of Bond.
- 2 Duty of Receiver General.

Sec.

- 3 What Books to be kept by, and Accounts filed, to be ordered by Governor in Council.
- 4 Provincial Secretary not to receive salary as Receiver General.

Passed 10th March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That the Provincial Secretary of this Province shall, by virtue of his office, be Receiver General, and shall give a Bond to the Queen in the sum of twenty thousand dollars, with two sufficient sureties in ten thousand dollars each, conditioned for the faithful discharge of the duties of his office of Receiver General.

2. It shall be his duty to receive all the Revenues or public moneys collected in or paid to the Province, from whatever source derived, and deposit the same in such Bank or Banks, to his credit as Receiver General, as the Governor in Council may from time to time direct.

3. The Governor in Council may direct what Accounts shall be filed in the Office of the Receiver General, and in what form the Books shall be kept, and which of such Books shall be open to inspection, and by whom, and under what circumstances.

4. That the Provincial Secretary shall not be entitled to receive any salary as Receiver General.

CAP. II.

An Act further to amend the Act to regulate the Election of Members to serve in the General Assembly.

Sec.

1 Sec. 50, 18 Vic. cap. 37, repealed.
2 Sheriffs' fees; additional to Sheriff
of County of Charlotte.

Sec.

3 Sheriffs to make affidavit to their
Accounts.

Passed 10th March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That Section 50, Chapter 37, of an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to regulate the Election of Members to serve in the General Assembly*, be and the same is hereby repealed.

2. Any Sheriff holding an Election shall be entitled to receive the following amounts, viz:—

For his services in conducting an Election, the sum of forty dollars;

For all reasonable and necessary printing, as shall be by him actually paid;

For furnishing copies of all Lists of Electors required by law, ten cents per folio;

For preparing each Poll Book, the sum of seventy five cents;

For each Booth or Polling place, such reasonable sum as is actually paid therefor;

For each Constable, not to exceed two at any one Polling place, the sum of one dollar and fifty cents each;

For every presiding Officer, six dollars, and mileage at the rate of ten cents per mile; each Poll and Sheriff's Clerk, four dollars;

For necessary travelling to post notices, the sum of ten cents per mile, mileage only allowed one way;

For the County of Charlotte, such extra sum not exceeding twenty dollars as may be by the Sheriff of Charlotte paid for expense of posting notices on the Island of Grand Manan.

3. That every Sheriff's account for holding such Elections shall be accompanied by an affidavit of such Sheriff in the following form, viz:—

A. B., Sheriff of the County of _____, maketh oath and saith that the account hereunto annexed is just and true, and that all the charges and expenses therein stated have actually and necessarily been incurred. ——— Sheriff.

The foregoing affidavit can be made before any one of Her Majesty's Justices of the Peace in this Province, who are hereby empowered to administer the same when called upon so to do.

CAP. III.

An Act in further addition to the Acts relating to the admission of Attorneys of the Supreme Court.

Passed 10th March 1868.

WHEREAS in and by the first Section of an Act made and passed in the thirtieth year of the Reign of Her present Majesty, intituled *An Act in addition to and in amendment of the Act twenty sixth Victoria, Chapter 23, intituled An Act relating to the admission of Attorneys of the Supreme Court*, it is enacted,—“That the term of study for a Student at Law who shall have taken the Degree of Bachelor of Laws at Harvard University, Massachusetts, or any legally authorized University or College in Great Britain, the United States, or the British Colonies, at any time prior to his application for admission as an Attorney, be reduced to three years;” and whereas that part of Great Britain and Ireland called “Ireland,” has been casually omitted in the said Section;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That from and after the passing of this Act, all the rights, privileges and immunities by the said recited Act granted to the Students at Law who shall have taken the Degree of Bachelor of Laws at any of the several Universities or Colleges in the said recited Act mentioned, shall extend and be construed to extend to all Students at Law in this Province who shall take or have taken the Degree of Bachelor of Laws in Trinity College, Dublin, or in any lawfully authorized University or College in that part of Great Britain and Ireland called Ireland.

CAP. IV.

An Act to amend Chapter 137, Title xxxvii, of the Revised Statutes, ‘Of the jurisdiction of Justices in Civil Suits.’

Sec.

- 1 No Court to be held unless plaintiff or defendant resides in same Parish as the Justice.
- 2 Fees, when allowed to plaintiff, &c.
- 3 Constables not allowed to act as agent, &c., for either plaintiff or defendant.

Sec.

- 4 Peremptory challenge allowed.
- 5 This Act not to affect jurisdiction of Police Magistrate, Portland, nor Police Magistrate of E. & N. American Railway.

Passed 10th March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows :—

1. That nothing in the said Act shall authorize any Justice of the Peace to hold a Court for the trial of any cause unless the plaintiff or defendant reside in the Parish where such Justice resides.

2. Neither the plaintiff nor defendant in any cause, when giving evidence in his own behalf therein, shall be entitled to any witnesses' fees, unless he appears to the satisfaction of the Justice of the Peace before whom the cause is tried, to be a necessary and material witness.

3. No constable shall act on the trial of a civil cause before a Justice of the Peace as agent or attorney for either party.

4. That the Justice shall allow to either party peremptory challenge of one juror ; and if the number of jurors attending on the trial shall not amount to three, or the number be reduced below that number by challenge peremptory or otherwise, the Justice may order the constable to summon some of the bye-standers to supply the deficiency.

5. That nothing in this Act shall be taken to limit the jurisdiction of the Police Magistrate of the Parish of Portland, in the City and County of Saint John, under the provisions of an Act passed in the twenty eighth year of the Reign of Her present Majesty, Chapter three, intituled *An Act to amend the Law relating to the collection of Taxes and small debts in the Parish of Portland in the City and County of Saint John, and for other purposes in the said Parish, and also to limit the jurisdiction of the Police Magistrate for the European and North American Railway, and of non-resident Justices in civil actions, or any other Act relating thereto.*

CAP. V.

An Act to establish an additional Polling place in the City and County of Saint John, and in amendment of an Act to regulate the Election of Members to serve in the General Assembly.

Sec.

1 Sec. 25 of 18 Vic. cap. 37, in part repealed.

2 Polling places in Parish of Lancaster designated.

Sec.

3 Non-resident electors, living in Charlotte, where to vote.

4 When Sheriff may use List of previous year.

Passed 16th March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows :—

1. That so much of the twenty fifth Section of an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to regulate the Election of Members to serve in the General Assembly*, as relates to the establishment of Polling places in and for the Parish of Lancaster, in the City and County of Saint John, be and the same is hereby repealed.

2. That the following shall be the Polling places in the Parish of Lancaster, in the City and County of Saint John :—

District Number One shall comprise all that part of the said Parish bounded westerly by a line beginning at the point where the easterly side line of the School Lot, in possession of James Robinson, strikes the Manawagonish Bay ; thence north along the easterly side line of said lot to its intersection with the Saint Andrews road ; thence northwesterly to the County line.

District Number Two, that part of the Parish west of the above described District Number One, and bounded westerly by a line beginning at the mouth of Frenchman's Creek, Musquash, and running east to lot number twelve, granted to John Coleson ; thence north to the County line.

District Number Three, that part of the Parish west of the above described District Number Two.

The Sheriff shall appoint a Polling place in the most central and convenient place in each District.

3. All non-resident electors who shall be entitled to vote for the election of Members for the General Assembly for the County of Saint John, and who may be resident in the County of Charlotte, shall vote at District Number Three in the said Parish of Lancaster and not elsewhere in the said County of Saint John.

4. Provided that in case it may become necessary to hold an Election for the County of Saint John before the Revisors for the said Parish of Lancaster shall have made out and transferred to the Clerk of the Peace the List of Electors for each of the Polling Districts herein mentioned, the Sheriff may use the list made out for the previous year, and the electors shall vote in the Districts number one and number two as heretofore accustomed.

CAP. VI.

An Act for the more careful collection and management of the Public Revenue, and the more speedy collection of Crown Debts.

Sec.	Sec.
1 Definition of Terms.	8 Moneys in hands of officer, how recovered.
2 Public moneys, to whom paid.	9 When officer may be prosecuted.
3 Time and mode of accounting for moneys received, by whom ordered.	10 Service of notice, see Section 7.
4 Public moneys, how expended.	11 Seizure and sale of goods, &c. of officer, when and by whom made.
5 Penalty for refusal or neglect by officer to transmit accounts when called upon.	12 Money granted for specific purpose and not expended, how recovered.
6 When Receiver General may call on officer to account for moneys.	13 Rights of the Crown not to be affected.
7 Service of notice, when and by whom made.	14 All books, papers, &c. to be deemed property of the Crown.

Passed 16th March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. In this Act the words Revenue or Public Moneys shall mean, include and apply to all moneys belonging to the Province arising from any source whatever.

2. All public moneys from whatever source derived, belonging to the Province, shall be paid to the Receiver General, or into such Bank or Banks in this Province, to the credit of the Receiver General, as the Governor in Council may from time to time direct; and all such revenue or public moneys paid directly into the hands of the Receiver General, shall forthwith be deposited by him into such Bank or Banks to his credit as Receiver General, as the Governor in Council may from time to time direct.

3. The Governor in Council may from time to time appoint and prescribe the times and mode in which any officer or person employed in the collection of the revenue or public moneys, or any portion thereof, shall account for and pay over the same, and in what form books and accounts shall be kept by such officer or person, and which of such books and accounts shall be open for inspection, and by whom.

4. The expenditure of such public moneys shall be by warrant or cheque of the Governor drawn on some Bank wherein the same may be deposited, such warrant or cheque being signed by the Receiver General and countersigned by the Auditor General, and a memorandum made thereon by the Auditor General in brief form of the authority or Act of Assembly under and by virtue of which such warrant or

cheque is authorized, except in the following cases:—If, when the Legislature is not in Session, any accident happen to any public work or building which requires immediate outlay for repairs thereof, or any other occasion when an expenditure not foreseen or provided for by law is urgently required, then on the report of the Auditor General that there is no legislative provision, and also on the report of the Provincial Secretary or some other head of department that the necessity is urgent, the Governor in Council may order a special warrant or cheque to be issued and signed as aforesaid, and certified by the Auditor General, that the same is by special warrant of the Governor in Council, which special warrant or cheque shall be placed by the Receiver General to a special account, to be laid before the Assembly not later than the third day of the Session of the Legislature next ensuing.

5. If any Corporation, officer or person refuses or neglects to transmit any account, statement, or return, with the proper vouchers, to the officer or department to whom he is lawfully required to transmit the same, on or before the day appointed for the transmission thereof, such Corporation, officer or person shall, for such refusal or neglect, forfeit and pay to the Crown, for the public uses of this Province, the sum of one hundred dollars, to be recovered with costs as a debt due to the Crown, and in any Court and in any way in which debts due to the Crown can be recovered; and in any action for the recovery of such sum, it shall be sufficient to prove, by any one witness or other evidence, that such account, statement, or return, ought to have been transmitted by the defendant as alleged on the part of the Crown, and the onus of proving that the same was so transmitted shall rest upon the defendant.

6. Whenever the Receiver General has reason to believe that any Corporation, officer or person has received any public moneys for the Crown, or for which such Corporation, officer or person is accountable to the Crown, or has in possession any public moneys applicable to any purpose, and has not paid over or duly applied and accounted for the same, he may direct notice to such Corporation, officer, or person, or to the representative of such officer or person, in case of death, requiring the said Corporation, officer, or person, or

in case of death, the representative of such officer or person, within a time to be therein named, not less than thirty nor more than sixty days from the service of such notice, to pay over or apply and account for such public moneys to the Receiver General, or to the officer to be mentioned in the notice, and to transmit the proper vouchers that he has so done.

7. Such notice shall be served by the Sheriff of the County where the service is made, or his deputy, by delivering a copy thereof, in the case of a Corporation, to head officer or manager thereof resident in the County or City and County where the service is made, or to the person in charge of the business of the said Corporation, at the usual place of business of the said Corporation in the County or City and County where such service is made, by delivering a copy thereof to the head officer or manager or person in charge, and at the same time exhibiting the notice to such head officer or manager or person in charge; and in case of an officer or person, by delivering a copy thereof to the officer or person to whom it is addressed, and at the same time exhibiting the notice to the officer or person, or by leaving it for him at his usual place of abode with an adult member of the family of such officer or person, and at the same time exhibiting to such adult person the notice; and the return of the Sheriff with an affidavit of such service shall be evidence thereof.

8. If any Corporation, officer or person fails to pay over, apply or account for any such public moneys, and to transmit such vouchers as aforesaid, within the time limited by the notice served, the Auditor General or Receiver General shall state an account as between such Corporation, officer or person and the Crown, in the matter to which the notice relates, charging interest from the service thereof, and shall deliver a copy thereof to Her Majesty's Attorney General for this Province, and such copy shall be sufficient evidence to support any information or other proceeding for the recovery of the amount therein shewn to be in the hands of the defendant as a debt due to the Crown, saving to the defendant the right to plead and give in evidence all such matters as may be legal and proper for his defence.

9. Whenever any such Corporation, officer or person as aforesaid, has transmitted an account either before or after

notice as aforesaid, but without vouchers, or insufficient vouchers, for any sum for which credit is therein taken, the Receiver General may notify such officer or person in the manner mentioned in the sixth Section of this Act, to transmit vouchers, or sufficient vouchers, within thirty days after the service of such notice; and if such vouchers are not transmitted within that time, the Auditor General or Receiver General may state an account against such Corporation, officer or person, disregarding the sums for which credit is taken, but for which no vouchers or insufficient vouchers have been transmitted, and may deliver a copy of such account to Her Majesty's Attorney General for this Province, and such copy shall be sufficient evidence to support an information or other proceeding for the recovery of the amount therein shewn to be in the hands of the defendant, saving to the defendant the right to plead and give in evidence all such matters as may be legal and proper for his defence.

10. The said notice shall be served, and the Sheriff's return of service shall be of the like effect, as provided in the seventh Section of this Act.

11. If at any time it appears clearly by the books or accounts kept by, or in the office of any officer or person employed in the collection or management of the revenue, or in accounting for the same, or by his written acknowledgment or confession that such officer or person hath, by virtue of his office or employment, received public moneys, and amounting to a sum certain, which he hath neglected or refused to pay over to the officer duly appointed to receive the same, and in the manner and at the time lawfully appointed, then upon affidavit of the facts by any officer cognizant thereof and thereunto authorized by the Governor in Council, made before a Justice or Judge of any Court having jurisdiction in civil matters to the amount of the sum so ascertained as aforesaid, such Justice or Judge shall cause to be issued against and for the sale and seizure of the goods and chattels, lands and tenements of the officer or person so in default as aforesaid, such writ or writs as might have issued out of such Court upon a judgment recovered against such officer or person in the ordinary way in favor of Her Majesty for a like sum, and such writ or writs shall

be executed by the Sheriff or other proper officer, and such sum as aforesaid, together with lawful interest thereon from the time such Justice or Judge shall cause such writ or writs to be issued until the same shall be paid, shall be levied under them with costs, and all further proceedings shall be had as if such judgment as aforesaid had been actually obtained.

12. If any officer or person has received public moneys for the purpose of applying it to any specific purpose, and has not so applied it within the time or in the manner provided by law ; or if any person having held any public office, and having ceased to hold the same, has in his hands any public moneys received by him as such officer, for the purpose of being applied to any specific purpose to which he has not so applied it, such officer or person shall be deemed to have received such public moneys for the Crown for the uses of this Province, and may be notified by the Receiver General to pay such sum back to the Receiver General, and the same may be recovered from him as a debt due to the Crown, or in any manner in which debts to the Crown may be recovered, and an equal sum may in the mean time be applied to the purpose to which such sum ought to have been applied.

13. Nothing in this Act shall weaken or impair any remedy which the Crown has for recovering or enforcing the payment or delivering of any public moneys or property belonging to the Crown for the public uses of this Province, and in the possession of any officer or person whomsoever by virtue of any other Act or Law.

14. All books, papers, accounts and documents of what kind soever, and by whom and at whose cost soever the paper and materials thereof may have been procured or furnished, kept by, or used, or received, or taken into possession of any officer or person employed or having been employed in the collection or management of the revenue or public moneys, or in accounting for the same by virtue of his employment as such, shall be deemed to be chattels belonging to Her Majesty ; and all moneys or valuable securities received or taken into his possession by virtue of his employment shall be deemed to be public moneys and valuable securities belonging to Her Majesty.

CAP. VII.

An Act to facilitate the Settlement of Crown Lands.

Sec.	Sec.
1 Lands to be selected for settlement.	6 Chapter 9, Title iii, of Revised Statutes, repealed.
2 Lands so surveyed to be reserved for actual settlers.	7 Governor in Council may make regulations.
3 Conditions upon which Lots will be located.	8 Settler may bring action for trespass; proviso.
4 Privileges to persons located.	
5 When actual settlers shall be entitled to a grant.	

Passed 16th March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. The Governor in Council may cause eligible portions of the vacant Crown Lands to be selected for settlement in various parts of the Province, and cause public roads to be made to and through such lands, and may have the said lands surveyed and laid off in one hundred acre lots on both sides of such road.

2. That all lots so surveyed and laid off, and all other lots of Crown land which have been surveyed and are eligible for settlement, shall be reserved for actual settlers, and shall not be disposed of to speculators or for lumbering purposes.

3. That one hundred acres of land so surveyed be located to immigrants or other male persons of the age of eighteen years and upwards, who do not own any other land in the Province, upon the following terms and conditions, viz:—

On payment of twenty dollars cash in advance, to aid in the construction of roads and bridges in the vicinity of his location, or upon his performing labour on such roads and bridges to the extent of ten dollars per year for three years, as may be directed by the Governor in Council or officer appointed to superintend the same.

He shall commence improving his location immediately after obtaining permission to occupy the same, and shall within two years thereafter satisfy the Governor in Council that he has built a house thereon of not less dimensions than sixteen by twenty feet, and is residing thereon, and that he has cleared at least two acres of said land.

He shall continue to reside upon said land for three consecutive years, at the expiration of which time, provided he shall have cleared and cultivated at least ten acres of the said land, and performed the labour in the manner hereinbefore prescribed, or paid twenty dollars in advance, a grant shall

issue to him of the one hundred acres so located as aforesaid; provided always, that should the means of such person so locating as aforesaid be limited, he may from time to time, and for reasonable periods, absent himself from said land in order to procure the means of support for himself and family, without forfeiting his claim to constant residence.

4. Such person so located may, after having built a house as aforesaid, and cleared and cultivated two acres of the said land, and paid the twenty dollars advance, or performed labour on the roads and bridges to the extent of ten dollars or upwards, cut and haul lumber and timber from and off the said lot; but he shall not sell or otherwise dispose of the standing timber until he has obtained a grant of said lot.

5. That every actual settler who is indebted to the Crown on account of the lot occupied by him, provided such lot do not contain more than one hundred acres, and if he owns no other land, and has resided on such lot for three years next preceding, and has cleared and cultivated ten acres thereof, and has paid twenty dollars in cash, or performed thirty dollars worth of labour on the roads as hereinbefore provided, shall be entitled to a grant of such lot.

6. That Chapter 9, Title iii, of the Revised Statutes, 'Of the sale of Crown Lands in certain cases,' be and the same is hereby repealed.

7. The Governor in Council is hereby authorized to make any regulations which may be necessary to carry out the provisions of this Act.

8. The person to whom the land is located may bring an action for any trespass committed on the land so located while he is entitled to possession under the provisions of this Act; but nothing in this Act shall interfere with the right of the Crown to seize any lumber cut in violation of the provisions of this Act, or any regulations framed thereunder, or cut by any person other than the person to whom the same is located.

CAP. VIII.

An Act to legalize the acknowledgments of certain Deeds and other Instruments for registry made since the passing of Act of Assembly thirtieth Victoria, Chapter 10, and for other purposes.

Sec.

- 1 Acknowledgments taken by Judge of Common Pleas to be valid.
- 2 Acknowledgments under Cap. 112, Title xxx, before whom made.

Sec.

- 3 Notary Public may take acknowledgments.
- 4 Deputy Registrar may take acknowledgments.

Passed 16th March 1868.

WHEREAS since the passing of Act of Assembly thirtieth Victoria, Chapter 10, intituled *An Act to establish County Courts*, many proofs or acknowledgments of Deeds and other Instruments intended for registry under the Registry Acts of this Province have been made in the various Counties of this Province before persons who at the time of the passing of the said first named Act were Judges of the Inferior Court of Common Pleas of such Counties, such persons at the time of taking and receiving such proofs or acknowledgments acting under a belief that they were duly authorized to take and receive the same as they had been accustomed to do before the passing of the said Act; and whereas it is expedient to legalize such proofs or acknowledgments;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—

1. That all proofs or acknowledgments of Deeds and other Instruments for registry under the Registry Acts of this Province made since the passing of the Act of Assembly thirtieth Victoria, Chapter 10, before any person who at the time of the passing of the said last named Act was a Judge of the Inferior Court of Common Pleas for the County within which such proofs or acknowledgments were taken, and the registry of such deeds or other instruments thereunder shall be deemed to be from the time of the making thereof, and are hereby declared to be as valid and effectual in law, to all intents and purposes, as if such person at the time of the taking and receiving such proofs or acknowledgments had continued to be a Judge of such Court.

2. That from and after the passing of this Act, any acknowledgment or proof of any deed or other instrument to be registered in any County of this Province under Chapter 112, Title xxx, of the Revised Statutes, 'Of the registry of Deeds and other Instruments,' and any Acts in amendment or addition thereto, may be made before any County Court Judge of this Province, in the same manner and with like effect as if such proofs or acknowledgments had been made before a Judge of Supreme Court.

3. That any Notary Public appointed and resident in this Province shall have full power to take proofs or acknowledgments of any conveyance, deed, or instrument, in like

manner as Registrars of Deeds or Members of the Executive or Legislative Council may now do; and that any conveyance, deed, or instrument in writing, so proved or acknowledged before a Notary Public, and certified by him under his official seal, may be registered in the office of the Registrar of Deeds in any County in this Province.

4. That all deeds or other instruments affecting the conveyance of lands heretofore registered, the acknowledgment or proof of which shall have been had or taken before any Deputy Registrar, shall be held and taken to have been duly registered; and any Deputy Registrar duly appointed, shall hereafter have as full power and authority to take any proof or acknowledgment of any deed or conveyance as fully and effectually as the Registrar himself.

CAP. IX.

An Act in further amendment of the Law relating to Civic Elections in the City of Saint John.

Sec.

- 1 Elector not to vote unless all taxes are paid.
- 2 If taxes are not paid, when Elector's name is to be struck off list.

Sec.

- 3 What provision of the law repealed
- 4 Names of exempts from taxes to be retained on lists.
- 5 When name may be inserted in list.

Passed 16th March 1868.

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. No person shall be entitled to vote at any Civic Election for Mayor, Alderman, or Councillor, for any Ward in the City of Saint John, unless, in addition to his qualification as a voter, he shall have paid, at least seven days before the day of Election, all rates, taxes and assessments imposed upon him within the City of Saint John during the year then next preceding, as shewn in the Assessment Book or List filed in the Office of the Common Clerk of the City of Saint John.

2. The Receiver of Taxes for the time being for the Eastern side of the Harbour, and the Receiver of Taxes for the time being for the Western side of the Harbour, shall on or before the day previous to the day of Election, strike out from the Lists of Electors prepared under the Law for any Ward in that part of the City for which he is Receiver of Taxes, the name of any person whose taxes have not been so paid; and shall mark on the lists of voters his name, or the initial

letters of his name, opposite the name so struck out; and any Commissioner holding any such Election shall not receive the ballot or take or record the vote of any person whose name may have been so struck from the list of voters for non-payment of taxes.

3. The provisions of the Law requiring the voter at any such Election to produce a tax receipt are hereby repealed.

4. Any Fireman or Volunteer who is exempt from payment of taxes, or whose taxes may have been remitted under any Act of Assembly, or Ordinance of the Mayor, Aldermen and Commonalty of the City of Saint John, shall have his name retained in the list of voters as though his taxes had been duly paid.

5. The Common Clerk of the City of Saint John shall not insert in the list or register of voters, the name of any person whose name may have been omitted in making up such list or register, unless in addition to the application now required by Law, the person applying to have his name added shall produce to the Common Clerk a certificate under the hand of the Receiver of Taxes, that the taxes of the person applying have been duly paid at least seven days before the day of Election.

CAP. X.

An Act to authorize the Town of Woodstock to aid further in the construction of the Woodstock Railway, and to authorize the Woodstock Railway Company to give security therefor.

Sec.

1 Mortgage by Company to be first charge.

2 When Mayor, &c., may sell or take possession of effects of Company.

Sec.

3 If Leases be given by Company, rent to be paid to Town Council.

4 What Acts are repealed.

Passed 16th March 1868.

• WHEREAS by an Act passed in the twenty ninth year of the Reign of Her present Majesty, intituled *An Act to enable the Town of Woodstock to aid the Woodstock Railway Company*, it is amongst other things provided, that the Town Council of the Town of Woodstock may loan the Woodstock Railway Company such sums not exceeding twenty thousand dollars as they might deem advisable, for which said Town should receive bonds or certificates of debt of the Railway Company; and whereas said Woodstock Railway Company have made an application to said Town Council for a loan

under said Act, and the rate-payers upon property, by a vote taken on the ninth day of March in the year of our Lord one thousand eight hundred and sixty eight, have authorized the said Town Council of the Town of Woodstock to loan the said Railway Company a sum not exceeding twenty thousand dollars in Debentures of said Town, payable in not less than twenty years with interest semi-annually, upon such Railway Company giving said Town Council of the Town of Woodstock security by way of mortgage, or other lien or incumbrances upon the property of the said Railway Company, whether real, personal, or mixed; which security is to be the first charge thereon, and take precedence of all other claims and liabilities whatsoever of Her Majesty or any other person; and it is necessary to provide by law for the taking of such security;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That the said Woodstock Railway Company, upon receiving the Debentures of said Town of Woodstock for an amount not exceeding twenty thousand dollars, shall thereupon make and execute to said Town Council of the Town of Woodstock a security by way of mortgage, lien or incumbrance of all the said property, real, personal, or mixed, of every nature or kind belonging to said Railway Company, including the road now in course of completion, with its appurtenances, for the amount of such Debentures, with interest payable semi-annually, as may be provided in said security; which said security, when executed, shall be the first charge and incumbrance thereon over and above any debt or debts, claim or claims then due or thereafter to become due to Her Majesty, or any person or persons whomsoever.

2. That upon default being made in payment of the said sum of money mentioned in said security, or upon default being made in payment of the interest thereof, or any part of the said interest, at the several times when the same may become payable by the said Woodstock Railway Company, it shall be lawful for said Town Council of the Town of Woodstock, first giving one month's notice under the hand of the Mayor of said Town, or the Chairman for the time being of the said Town Council of the Town of Woodstock,

and the common seal of said Town, to be served on the President or Secretary of said Woodstock Railway Company, or published in any newspaper printed in the County of Carleton, or the Royal Gazette of this Province, to sell at public auction or private contract the property mentioned in said security to the highest bidder therefor, and make and execute a conveyance thereof under the hand of the Mayor of the said Town and the common seal thereof, to such purchaser, who shall hold the said property absolutely discharged from all claims whatsoever; or in case of such default as aforesaid, or either of them, the said Town Council of the Town of Woodstock may, by an order under the hand of the Mayor of said Town, or Chairman of the Town Council for the time being, take possession of the property mentioned in said security, and remove the said Woodstock Railway Company, or any person or persons claiming under or acting for them, from the possession thereof.

3. That in any lease that may be made by the said Woodstock Railway Company of the property mentioned in said security or agreement affecting the same, a portion of the rent equal to the interest of the amount loaned by said Town as aforesaid, and one per centum additional thereof, annually shall be made payable to the Town Council of the Town of Woodstock, and paid to them accordingly by the Lessee or other party, and the receipt of the Treasurer of the Town of Woodstock shall be evidence of such payment; and no such lease for any longer term than three years shall be valid, without the assent of the Town Council of the Town of Woodstock signified by an indorsement thereon under the hand of the Mayor of said Town; and in case of a sale of said property by the said Town Council by virtue of the power given by this Act, any surplus arising therefrom after payment of the principal money loaned, and interest, and all expenses incurred by the said Town Council of the said Town of Woodstock in connection with the said sale, shall be paid to said Woodstock Railway Company.

4. All Acts and parts of Acts of the Legislature inconsistent with the provisions of this Act are hereby repealed.

CAP. XI.

An Act to provide for defraying certain expenses of the Civil Government of the Province.

Sec.

1 Amounts granted, to whom.

Sec.

2 Amounts, how paid.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows :—

1. There shall be granted to His Excellency the Lieutenant Governor, the several sums of money hereinafter mentioned, to provide for defraying certain expenses of the Civil Government of the Province :—

A sum not exceeding six thousand four hundred and fifty four dollars, to provide for the Officers and contingent expenses of the Legislature, including Legislative Library and Librarian.

A sum not exceeding five hundred and forty dollars, to provide for the Clerk of the Crown, Usher of the Supreme Court, and Messenger of the Equity Court and Chambers.

A sum not exceeding fourteen thousand and sixty dollars, for certain educational purposes.

A sum not exceeding four hundred dollars, to pay salary of Emigration Officer and contingencies of his office during the current year.

A sum not exceeding ten thousand dollars, for Public Printing and Advertising during the current year.

A sum not exceeding twelve thousand dollars, to provide for contingencies, postages, stationery, and telegrams, for the Executive, Legislature, and Public Offices, during the current year.

A sum not exceeding five thousand one hundred dollars, for Surveys and Government Inspections during the current year.

A sum not exceeding seven thousand dollars, to meet unforeseen expenses during the current year.

A sum not exceeding eight hundred dollars, in full in aid of the salary of the Professor of Logic and Moral Philosophy at the University of New Brunswick.

A sum not exceeding two thousand dollars, in aid of the Nova Scotia Fishermen, pursuant to a Resolution of the House passed on the fourteenth day of March instant.

A sum not exceeding one hundred dollars, in aid of the Indians of Miramichi.

A sum not exceeding six hundred dollars, to aid in building a Wharf at Richibucto, provided that the sum of one thousand two hundred dollars is subscribed and paid on account of the same.

A sum not exceeding one thousand dollars, in aid of the deep water Wharf lately erected at Saint Andrews.

A sum not exceeding five hundred dollars, in aid of the General Public Hospital at Saint John.

A sum not exceeding thirty six dollars, to reimburse David M'Almon amount expended by him prior to the first day of July last for taking care of and cleaning arms and accoutrements belonging to the First Battalion Kent County Militia.

A sum not exceeding five hundred dollars, to pay Robert Gowan for services rendered in compiling a Book in connection with the Crown Land Department.

A sum not exceeding one thousand dollars, to provide for Steam communication between Shediac and Charlottetown; Prince Edward Island.

A sum not exceeding nine hundred dollars, to compensate Samuel D. Berton for loss sustained in consequence of a mistake in a grant issued to one Robert Atkinson, agreeably to a Resolution of the House passed in Committee of the whole this day.

A sum not exceeding five hundred dollars, to pay salaries due Fishery Wardens to the first day of July last.

2. The several sums of money aforementioned shall be paid by warrant or cheque out of public moneys now or hereafter in the Receiver General's hands.

CAP. XII.

An Act to provide for the repair and improvement of Roads and Bridges and other Public Works and Services.

Sec.

- 1 Amount granted.
- 2 By whom expended; duty of Commissioners; proviso.
- 3 When Commissioners shall account to Municipalities.
- 4 Moneys, how paid.
- 5 Per centage allowed to Commissioners.

Sec.

- 6 When money shall be expended; proviso.
- 7 Before money is expended, alteration in road to be recorded.
- 8 Commissioners to give Bonds.
- 9 Defaulter cannot act as Commissioner.
- 10 Vacancy, how filled.

Passed 23rd March 1868.

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows :—

1. There shall be granted to the Lieutenant Governor, the sum of money hereinafter mentioned, to provide for the improvement of the Roads and Bridges, and other Public Works and Services,—

A sum not exceeding one hundred and sixty nine thousand five hundred dollars, to provide for the repairs of the Great and Bye Roads of the Province, and for Bridges thereon, for the repairs and maintenance of the Public Buildings, and for Steam Navigation.

2. The said sum of money, and every part thereof, shall be expended under the direction of the Board of Works, and of such Supervisors and Commissioners as the Governor in Council may appoint, and shall be paid to the several and respective persons who shall actually work and labour in making, completing and repairing the several Roads, Bridges, and Works, or in furnishing materials therefor, at the most reasonable rate that such labour and materials can be provided, where such sums are expended on Roads, Bridges, or Works; and every Commissioner so to be appointed shall, as early in the season as may be, carefully examine the part of the Road where any sums of money are to be expended, and shall lay out and mark off such allotment or allotments as may conveniently be contracted for, in order that the making and repairing of the same may be let by auction to the lowest bidder; and in all cases such Commissioners respectively are hereby required to put a sufficient number of notices, not less than ten days previous to such sale, in three or more of the public places of the neighbourhood where the work is to be done, which notices shall specify and describe the work to be performed, and also the place, day and hour when and where the same will be let by auction as aforesaid; and it shall further be the duty of such Commissioners respectively, to attend personally at the time and place so appointed, and there to let out to the lowest bidder such allotment or allotments, and at the same time to enter into written contracts for the faithful performance of the work in the time and manner set forth in such contracts; and in cases where the work required to be performed cannot be conveniently let at auction, it shall be the duty of

the Commissioners to agree with fit and proper persons to perform the same by day's labour, provided that in no case shall more than one quarter part of any grant be so expended; provided nevertheless, that when it shall be made to appear to the satisfaction of the Governor and Council, that there is a scarcity of seed for planting and sowing in any Parish, that the Governor and Council may afford relief, by authorizing the Commissioners of Bye Roads appointed in such Parish to expend a portion of the Bye Road money in the purchase and distribution of seed for planting and sowing, such Commissioners taking an agreement from the person assisted to perform work on the Bye Roads, under direction of the Commissioners, to the value of such seed, and on refusal to perform the work such person may be sued for the amount by the Commissioner before any Justice of the Peace, in the ordinary way of collecting debts; and the said Commissioners shall severally keep an exact account of such moneys, and shall produce receipts in writing of the several and respective persons to whom any part of the said money shall be paid, as vouchers for such payment, and render an account thereof, in duplicate, upon oath, which oath any one of the Justices of the Peace in the several Counties is hereby authorized to administer; one copy of which, with vouchers, to be transmitted to the Secretary's Office on or before the first day of December next, to be laid before the General Assembly at the next Session, and the other copy to be filed in the Office of the Clerk of the Peace in their respective Counties, for public information.

3. The Commissioners appointed by the Municipalities of York, Carleton, and Sunbury, when any of the aforementioned sums of money appropriated for Roads and Bridges is issued to such Municipality, shall account to the Municipality appointing them for the same, and the Municipality shall account therefor in the same manner as the Commissioners appointed by the Governor in Council; but the Municipality shall take Bonds in the name of the Queen from each of the Commissioners so appointed by them, which may be enforced in the same manner as other Crown debts.

4. The before mentioned sums of money shall be paid by warrant or cheque out of public moneys now or hereafter in the Receiver General's hands.

5. The said Commissioners entrusted with the expenditure of the several and respective sums of money shall, for their time and labour, be allowed to retain at and after the rate of five per centum out of the said moneys so entrusted to them respectively.

6. The said Commissioners for the expenditure of money on Roads and Bridges, shall expend the said several and respective sums of money on the Roads on or before the first day of September; provided always, that nothing herein contained shall extend, or be construed to extend, to prevent any Commissioner from expending moneys after the first day of September, when it shall be necessary to expend the same for building bridges, removing rocks, stumps, trees, or other obstructions.

7. None of the beforementioned sums of money, or any part thereof, shall be laid out or expended on the making or improving any alteration that may be made in any of the said Roads, unless such alterations shall have been first laid out and recorded.

8. Every person who may be appointed a Commissioner for the expenditure of money hereinbefore granted, before entering upon the duties of his office, shall enter into a bond to Her Majesty, Her Heirs and Successors, to the satisfaction of the Governor in Council, for the due performance of his duties as such Commissioner, and the faithful expenditure of and due accounting for such moneys as shall come into his hands as such Commissioner.

9. Notwithstanding the provisions of any Law in force for the election of Commissioners of Bye Roads, or otherwise, no person shall be appointed to expend any of the aforesaid moneys who shall be a defaulter, or who shall not have fully accounted for the expenditure of any money previously entrusted to him; until he shall have satisfactorily accounted therefor; and in case of the election of any such person, the Governor in Council shall appoint Commissioners in the same manner as if no election had taken place.

10. In case of a vacancy by death of any Commissioner elected to expend money on the Bye Roads, the Governor in Council shall appoint a Commissioner to fill such vacancy.

CAP. XIII.

An Act to amend an Act to establish County Courts.

Sec.

- 1 Minors may sue.
- 2 Affidavits, before whom sworn.
- 3 Persons confined under sentence, when and how brought before Judge; proviso.
- 4 How actions shall be commenced; exceptions.
- 5 Form of process to hold to bail.
- 6 Affidavits, before whom made.
- 7 Duty of Sheriff on delivery of summons. When plaintiff may receive back summons.
- 8 Time summons or capias shall run.
- 9 Sheriff to receive copy of capias for every person to be arrested.
- 10 Order for render on discharge of bail, by whom made.
- 11 When final judgment may be entered; proviso.
- 12 When action is brought beyond jurisdiction of Court, how proceeded with.
- 13 When writ of replevin may issue.
- 14 When Judge may call in another Judge to act.
- 15 Rules and regulations, by whom made.
- 16 Contempt, &c. how punished.

Sec.

- 17 Term "landlord" defined; proviso.
- 18 Term "person" defined.
- 19 When this Act and 30th Victoria, Chapter 10, shall be taken as one Act.
- 20 When costs are awarded, Judge may grant fiat for attachment. Form of fiat.
- 21 Terms of Courts in Counties of Sunbury, Restigouche, Gloucester, and Charlotte; proviso.
- 22 Criminal jurisdiction of Court enlarged.
- 23 All Acts relating to criminal justice applicable to Circuit Courts, to apply to County Courts; proviso.
- 24 Sheriffs, &c. shall discharge like duties in County Courts as in Circuit Courts. Prisons of County Courts.
- 25 All recognizances to be transmitted to Clerk of County Court.
- 26 Judges may admit to bail; exceptions.
- 27 Appeal from conviction of Justice of the Peace may be made to Judge of County Court.
- 28 Additional fees.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. A minor, or person under the age of twenty one years, may sue in the said Courts for any sum within their jurisdiction for wages due to him, in the same manner as if he were of age, and such infant shall be liable for costs exactly as if of full age.

2. All affidavits to be used in the said Courts, or before any Judge thereof, may be sworn before any such Judge, a Judge of the Supreme Court, or any Commissioner for taking affidavits to be read in the Supreme Court.

3. A Judge of a County Court, upon application on affidavit of either party to any suit pending in his Court, may issue an order, under his hand and the seal of such Court, for bringing up before such Court any prisoner confined in any gaol or prison under any sentence, or under commitment for trial, or otherwise, except under process in any civil suit, to be examined as a witness in any cause, suit or matter depending in or for trial before such Court; provided

always, that the person having the custody of such prisoner shall not be bound to obey such order unless tender be made to him of a reasonable sum for the conveyance and maintenance of a proper officer or officers, and of the prisoner, going to, remaining at and returning from such County Court; and no Sheriff, gaoler, or other officer, shall be liable to any action or prosecution for acting in obedience to any such order, and if sued, he may plead the general issue and give such order in evidence thereunder.

4. Except in cases where it is intended to hold the defendant to bail, and in actions of replevin, all personal actions, including actions by or against Members of the Legislature, Corporations, and Attorneys at Law, shall be commenced by writ of summons, according to the Form A in the said recited Act contained, which writ may be served in any County in this Province.

5. In case any person is to be arrested and held to bail, the process shall be by writ of *capias* in the following form, and may be executed by the Sheriff of any County in this Province, or by any person duly authorized by such Sheriff: [L. S.] Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c.

To the Sheriff of the County of _____, greeting:

We command you, that you take C. D., if he shall be found in your bailiwick, and him safely keep until he shall have given you bail or made deposit with you according to law in an action on promises, (or debt, as the case may be,) at the suit of A. B. against the said C. D., [and E. F., &c., if there be one or more defendants not to be arrested,] or until the said C. D. shall by other lawful means be discharged from your custody; for that whereas [here set out the cause of action in a brief form]; and we further command you, the said Sheriff, that on the execution hereof upon the said C. D., you deliver a copy hereof to the said C. D., (and we further command you that you serve a copy hereof upon the said E. F., if there be one or more defendants not to be arrested,) and that immediately after the execution hereof you do return this writ, together with the manner in which you shall have executed the same, and the day of the execution thereof; or, if the same remain unexecuted, that you do

return the same at the expiration of two months from the date hereof, or sooner if you shall be required thereto by order of the Court or a Judge; and we hereby command you, the said C. D. and E. F., &c., that within thirty days after service upon you of this writ, you do cause an appearance to be entered for you in the above suit in the County Court for the County of ; and take notice, that in default of your doing so, the said A. B. may cause an appearance to be entered for you, and proceed thereon to judgment and execution.—Witness, , Judge of the said Court, this day of , A. D. 186 . C., Clerk.

6. All affidavits for the purpose of holding persons to bail may be made before the Judge of the Court out of which the process may issue, or before any other County Court Judge, or any Commissioners authorized to take affidavits to be read in the Supreme Court, or if made out of this Province may be made before any Judge, Commissioner or other person now authorized by law to take and receive such affidavits.

7. Upon delivery of the writ of summons at the office of any Sheriff, he or his deputy shall indorse thereon the time of delivery; and in case the said writ is not served within fifteen days thereafter the plaintiff or his agent shall be entitled to receive back the same; and the costs of the mileage and service thereafter of such writ by any private person shall be allowed in the taxation of costs as if the same had been served by the Sheriff or his officer.

8. No writ of summons or *capias* shall be in force for more than two months from the day of the date thereof.

9. Every writ of *capias*, and so many copies thereof as there are persons intended to be arrested thereon, or served therewith, shall be delivered to the Sheriff, and the plaintiff or his Attorney may order such Sheriff to arrest one or more of the defendants therein named, and to serve a copy thereof on one or more of the others, which order shall be duly obeyed by such Sheriff, and such service shall be of the same force and effect as the service of the writ of summons hereinafter mentioned.

10. A Judge of a County Court may make an order for the render of any defendant, in discharge of his bail, in any cause in any Court in this Province, to the gaol of any County.

11. The party in whose favour a verdict has been rendered, or the defendant where plaintiff has been non-suited at the trial, may enter final judgment in ten days after such verdict or non-suit, and issue execution thereon; provided that it shall be lawful for the Judge, in any cause where justice may appear to require, to stay the signing of such judgment until further order.

12. Whenever an action is brought in the County Court, which the Court has no jurisdiction to try, judgment shall be rendered as in case of a non-suit, and defendant shall have execution for his costs accordingly.

13. In case the value of the goods, or other property or effects distrained, taken or detained does not exceed the sum of two hundred dollars, and in case the title to land be not brought in question, the writ of replevin may issue from the County Court of any County wherein such property, goods or other effects have been distrained, taken, or detained, and such Court may commence, hold pleas, and proceed in such replevin suit, according to the course and practice of the Supreme Court; the fees to be taxed and allowed in such replevin suits shall be according to the table of fees heretofore taxed and allowed in actions not summary in the Inferior Court of Common Pleas.

14. Whenever any Judge of a County Court, by reason of sickness, disability, or other cause, shall be unable to act, or by reason of interest in the matter pending before such Judge or Court, or by reason of relationship to the party or parties, or interest therein, or for other cause, shall be disqualified to act, or shall decline to act in any matter pending before such Judge or Court, or to be brought before him as such Judge, or shall for any reason desire to have another County Judge to preside at and hold his Court, such Judge may call in and designate any other Judge of any other County Court in this Province to act therein; and such Judge so called in and designated as aforesaid shall have the same powers as the regular Judge of such Court otherwise would have.

15. The Judges of the said County Court, or any three of them, may frame rules and orders for regulating the practice of the Courts and forms of proceedings, and from time to time to amend such rules, orders, and forms; and the same,

certified under the hands of such Judges, or any two of them, shall be submitted to the Chief Justice of the Supreme Court, who may allow or disallow the same ; and the rules, orders and forms so allowed or altered shall, from a day to be named by the said Chief Justice, be in force in every County Court.

16. If any person shall be guilty of any wilful contempt or resistance to the process, rules or orders of the County Court, or shall wilfully insult the Judge or any juror or officer of the Court during his sitting or attendance in Court, or shall wilfully interrupt the proceedings of the Court, or otherwise misbehave in Court, the Court may punish such offender by fine or imprisonment in the common gaol of the County, or both ; but such fine shall in no case exceed fifty dollars, nor shall such imprisonment exceed one month.

17. The term "landlord" mentioned in the twenty fifth section of the said recited Act, shall be understood to mean the person entitled to the immediate possession of the premises ; and the costs of the proceedings had under the said Section shall be taxed and allowed according to the table of fees of the Act twenty first Victoria, Chapter 23, except the Sheriff's fees on the execution of the writ of possession, which shall be the same as for executing a writ of *habere facias possessionem* out of the Supreme Court ; and all such fees shall be included in and recoverable under the warrant issued under the said twenty fifth Section of the said recited Act ; provided that the person arrested by virtue of any such warrant shall be detained in custody one day only for every two shillings of the sum stated in the warrant.

18. In construing this Act and the said recited Act, the word "person" shall be understood to mean a body politic or corporate as well as an individual, and every word importing the singular number shall, when necessary, be construed to mean several persons or things as well as one person or thing.

19. This Act and the said recited Act thirtieth Victoria, Chapter 10, shall be read and construed as one Act, as if the several provisions in the said recited Act contained, not inconsistent with the provisions of this Act, were repeated and re-enacted in this Act.

20. In all cases where costs are awarded by the Judge of

any County Court in matters of review, or are ordered by the Judge to be paid on any hearing or proceeding had before him at Chambers, if it shall afterwards appear to his satisfaction that such costs have been duly demanded by the party thereto, or his attorney, and have not been paid by the party liable therefor, it shall be lawful for such Judge, upon application therefor by the party entitled thereto, to grant his fiat for an attachment to issue out of any Court of which he is Judge, for the recovery thereof, which shall be directed to the Sheriff of any County in this Province, in form following, or to the like effect:—

[*L. S.*] Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c.

To the Sheriff of _____, greeting :

You are commanded to levy of the goods and chattels of C. D. the sum of _____, and two dollars for this writ, for costs awarded (*or ordered to be paid by the said C. D.*) to E. F. by G. H., Esquire, Judge of the County Court for the County of _____, in a certain matter of review pending before the said Judge, (*or on certain proceedings had before the said Judge at his Chambers, as the case may be,*) pursuant to the Act of Assembly in such case made and provided ; and have that money before the said Judge immediately after the execution hereof, to be rendered to the said E. F. ; for want of goods and chattels whereon to levy, attach the body of the said C. D., if he shall be found in your bailiwick, and him safely keep until he shall be discharged by due course of law, and make due return of this writ.—Witness, G. H., Esquire, Judge of the County Court for the County of _____, this _____ day of _____ A. D. 186 _____.

A. B., *Clerk.*

The costs of the attachment to be two dollars, and to be levied from the party against whom it is issued ; the Sheriff executing the said writ shall be entitled to fees as in cases of executions issued out of a County Court ; upon payment to him of the amount of the said writ and his fees thereon, he shall discharge the defendant ; any person in custody under the said writ shall be entitled to the benefit of the Law for the relief of insolvent confined debtors.

21. That the County Court for the County of Sunbury shall hereafter be holden for the said County on the Wednesday after the third Tuesday in the months of January and June in each year, instead of the Wednesday after the second Tuesday in January and June as provided by the ninth Section of the said Act :

For the County of Restigouche on the last Tuesday in March and on the first Tuesday in September in each year, instead of the second Tuesday in March and the second Tuesday in July as prescribed by the ninth Section of the said Act :

For the County of Gloucester on the second Tuesday in September in each year, instead of third Tuesday in July :

For the County of Charlotte there shall be but three Terms of the said Court instead of four as provided by the said ninth Section, to be holden as follows,—on the second Tuesday in June and the fourth Tuesday in March and October in each year ;

Provided that nothing in this Section shall interfere with the times of holding said Courts for the Counties herein named at any times not altered by this Section, except the County of Charlotte, as to which one Term is abolished, and all portions of said Section inconsistent with this Section are hereby repealed.

22. Whereas it is necessary for the more convenient administration of justice in this Province to extend and enlarge the criminal jurisdiction of the several County Courts; be it therefore also enacted, that the several County Courts of this Province shall have original concurrent jurisdiction within their respective Counties with the several Circuit Courts of this Province, of all crimes, offences and misdemeanors which are not capital, committed within their said respective Counties, and shall have full power and authority to hear, enquire into, try, determine, deal with and punish all such crimes, offences and misdemeanors aforesaid, in manner prescribed by law.

23. All Acts of Assembly and parts of Acts touching and concerning the Criminal Law and the administration of criminal justice in this Province, or touching, concerning, or relating to jurors, witnesses, evidence, or proceedings of

any kind, now in force or applicable to the said Circuit Courts when exercising criminal jurisdiction, shall be in force in and apply to the several County Courts, who shall in all respects be clothed with and exercise all the like powers, rights and privileges as now appertain to or are exercised by the said Circuit Courts as Courts of criminal jurisdiction; provided that no grand jury shall be summoned to attend any County Court except upon the order of the Judge of such Court directed to the Sheriff for that purpose.

24. Sheriffs, Coroners, and public officers and ministers of the law, shall discharge the like duties in the said County Courts as they now discharge in the said Circuit Court; the prisons of the said County Courts shall be the common gaols of the respective Counties, except in cases when in due course of Law any County Court shall sentence an offender to the Provincial Penitentiary.

25. All examinations and recognizances taken by any Justice, of or relating to parties committed for trial at any County Court, shall immediately thereafter be transmitted to the Clerk of such County Court.

26. The several Judges of the County Courts may admit to bail any person charged with any offence (except capital offences) in the same manner and to the same effect as may be now done by a Judge of the Supreme Court.

27. That in any and every case of summary or other conviction before any Justice or Justices of the Peace for any County, an appeal from the conviction of such Justice or Justices may be made to any Judge of a County Court in same manner as from a judgment in a civil suit as directed in Title xxxvii, Chapter 137, and any Acts in amendment of the said Chapter, and as provided in an Act intituled *An Act to establish County Courts*, and any amendments thereof.

28. That in addition to the schedule of fees in the said County Courts Act, there shall in all cases be taxed to the Attorney the following:—

For every necessary attendance on Clerk,	...	40 cents.
For writ and particulars when they exceed four folio, per folio,	20 “
For each necessary copy thereof, per folio,	10 “
For drawing every summons, rule, or order, per folio,	20 “
For each necessary copy,	10 “

And in lieu of the fees allowed to the Sheriff in and by the said Act, the Sheriff shall be allowed for all services performed by him under this Act or the said County Court Act, the same fees as are now provided for the like services in the Supreme Court.

CAP. XIV.

An Act in addition to and in amendment of Chapter 96, Title xvii, of the Revised Statutes, 'Of the Survey and Exportation of Lumber.'

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That every Surveyor of Lumber shall keep a record of the marks of all Lumber surveyed by him; and shall in addition to the accounts required to be given by him by Section 3, of Chapter 96, Title xvii, of the Revised Statutes, 'Of the Survey and Exportation of Lumber,' give to the owner of such Lumber, when required so to do, a true account in writing of the number, length and dimensions of the several pieces of any such lot of Lumber so surveyed, marked with any particular or distinguishing marks.

CAP. XV.

An Act to repeal Section 5, Chapter 15, Title iii, of the Revised Statutes, 'Of the Export Duty on Lumber,' and to make provision in lieu thereof.

Sec.

Sec.

1 Sec. 5, cap. 15, Title iii, repealed.

2 Hacmatac knees, rates of duty.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That the fifth Section of Chapter 15, Title iii, of the Revised Statutes, 'Of the Export Duty on Lumber,' be and the same is hereby repealed.

2. There shall be imposed on Hacmatac or Juniper Knees shipped, or otherwise exported from this Province, the following duty, viz:—On each six inch Knee and under seven inch, twenty cents; on each seven inch Knee, thirty five cents; and on each Knee over seven inches, forty cents; and all Knees under six inches shall be free of duty.

CAP. XVI.

An Act in amendment of Chapter 124, Title xxxiv, of the Revised Statutes, 'Of Insolvent Confined Debtors.'

Sec.

- 1 Application for discharge, before whom made.
- 2 When discharge may be granted; proviso.
- 3 Possession of homestead not to

Sec.

- prevent debtor of the benefit of this Act.
- 4 Commissioners, how appointed; their powers.
- 5 What Acts or parts of Acts repealed.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. Any person confined in gaol or on the limits in any civil suit, may make application for his discharge to a Judge of the County Court, and such Judge may grant an order in writing, directing the Sheriff or gaoler to bring the debtor before him for examination, at such time and place as may be thought fit, and the said Sheriff or gaoler shall duly obey such order, and not be liable for any action for escape or other suit in consequence thereof.

2. In pursuance of such order, the said confined debtor, and any witnesses subpoenaed to attend and give evidence at such examination, may be examined on oath at the time and place specified in such order, before such Judge; and if it shall on such examination appear to his satisfaction that the said debtor has no property, real or personal, except as hereinafter referred to,—that since he was served with the first process in the suit in which such application is made, he had not directly or indirectly transferred any property, real or personal, intending to defraud the person at whose suit he is confined, or given any undue preference,—such Judge shall, by order in writing, discharge the debtor from confinement as to that suit; on production of which to the Sheriff or gaoler, the debtor shall be forthwith discharged without payment of any gaol fees; provided nevertheless, that no such order for discharge shall be made in any suit, unless it be made to appear to the satisfaction of such Judge, that at least seven days notice of the time and place of the said examination had been previously given to the plaintiff in such suit, or his attorney, or left at the last or usual place of residence of the plaintiff, with some adult member of his family. The examination herein mentioned shall be filed in

the office of the Clerk of the Court out of which the process issued; provided that if at any time during the examination herein mentioned, or before any order be made, the creditor or any person on his behalf shall make affidavit that he has reason to believe that the debtor has not made a full disclosure in the matters under examination, the Judge shall grant a postponement of such examination for a period not less than seven days nor more than fourteen days, unless the parties consent to an earlier day.

3. In addition to the property mentioned in the fifteenth Section of Chapter 124, Title xxxiv, of the Revised Statutes, the possession by the debtor of any homestead exempt by law, or which may hereafter be exempted by law, from levy under execution, shall not prevent him having the benefit of this Act.

4. The Governor in Council may appoint two Commissioners in each County, who shall jointly exercise like powers under this Act as are hereby exercised by a Judge of the County Court.

5. The first, fifth, eighth, tenth and eighteenth Sections of Chapter 124, Title xxxiv, of the Revised Statutes, 'Of Insolvent Confined Debtors,' and also an Act made and passed in the twenty third year of the Reign of Her present Majesty, intituled *An Act to amend the Law relating to Insolvent Confined Debtors*, and also an Act made and passed in the twenty sixth year of the Reign of Her present Majesty, intituled *An Act to amend Chapter 124, Title xxxiv, of the Revised Statutes, 'Of Insolvent Confined Debtors,'* are hereby repealed; but all the provisions of the said Chapter 124, of the Revised Statutes, and of any Acts in amendment thereof, or relating thereto, except as herein repealed, or is inconsistent herewith, shall be and are hereby made to be in force in respect to the provisions of this Act.

CAP. XVII.

An Act in further amendment of the Acts to regulate the Circuit Courts and Courts of Oyer and Terminer and Sittings after Term.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the Sittings for the County of York shall hereafter be held on the second Tuesday in

May in each year instead of the second Tuesday in January, and on the last Tuesday in October instead of the fourth Tuesday in June, as provided by an Act made and passed in the seventeenth year of Her Majesty's Reign, intituled *An Act to regulate the Circuit Courts and Courts of Oyer and Terminer and Sittings after Term*, and also an Act made and passed in the twenty second year of Her Majesty's Reign, intituled *An Act to amend an Act to regulate the Circuit Courts and Courts of Oyer and Terminer and Sittings after Term*.

CAP. XVIII.

An Act further to amend the Act relating to the administration of Justice in Equity.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That any trustee, executor, or administrator, shall be at liberty, without the institution of a suit, to apply by petition to any Judge of the Supreme Court in Equity, or by summons upon a written statement to any such Judge at Chambers, for the opinion, advice or direction of such Judge on any question respecting the management or administration of the trust property, or the assets of any testator or intestate, such application to be served upon, or the hearing thereof to be attended by all persons interested in such application, or such of them as the said Judge shall think expedient; and the trustee, executor or administrator acting upon the opinion, advice or direction given by the said Judge, shall be deemed, so far as regards his own responsibility, to have discharged his duty as such trustee, executor or administrator, in the subject matter of the said application; provided nevertheless, that this Act shall not extend to indemnify any trustee, executor or administrator in respect of any act done in accordance with such opinion, advice or direction as aforesaid, if such trustee, executor or administrator shall have been guilty of any fraud or wilful concealment or misrepresentation in obtaining such opinion, advice, or direction. The costs of such application as aforesaid shall be in the discretion of the Judge to whom the same shall be made.

CAP. XIX.

An Act to amend the Law relating to Notices of Actions.

Sec.

1 Provisions of Sec. 1 & 2, of cap. 56,
Revised Statutes, to extend to
certain officers.

Sec.

2 When notices of action shall be
given.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. The provisions of the first and second Sections of the Revised Statutes, Chapter 56, 'Of actions against Officers and recovery of Penalties,' shall extend and apply to Parish Officers elected under any Act relating to Municipalities, or appointed by the Municipal Council of any County, for any thing done by virtue of their office, and also shall extend and apply to Commissioners of Highways for any thing done in the execution of any office created, or the duties of which are performed under any of the provisions of an Act made and passed in the twenty fifth year of the Reign of Her present Majesty, intituled *An Act in amendment and consolidation of the Laws relating to Highways*, or of any Act or Acts in amendment thereof or in relation thereto.

2. And whereas it is expedient that the Law should be uniform with respect to notice of action in all cases where such notice is required,—That from and after the passing of this Act, in all cases where notice of action is required, such notice shall be given one month at least before any action shall be commenced, any Act or Acts to the contrary thereof notwithstanding.

CAP. XX.

An Act to amend an Act intituled *An Act to amend the Law relating to Divorce and Matrimonial Causes*.

Sec.

1 Citations, how and by whom
served.
2 Affidavits, how made.

Sec.

3 When person cited neglects to ap-
pear, Court may give *ex-parte*
judgment.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. Citations issued out of the Court of Divorce and Matrimonial Causes, directed either to the party against whom issued, or to the Sheriff of any County in this Province, may be served personally upon the person against whom issued

out of this Province in the same manner and with the like effect as if such service was made within this Province; and all proceedings shall be had and taken thereon in the same manner and with the same effect as in the case of service within this Province.

2. Affidavits to be read or used in the said Court of Divorce and Matrimonial Causes may be made, sworn and taken before any person within or without this Province authorized to take affidavits to be read in the Supreme Court.

3. When any person having been duly cited to appear in any cause brought or hereafter to be brought in the said Court of Divorce and Matrimonial Causes, shall neglect or refuse to appear or answer within the time directed by the rules and practice of the said Court, it shall be lawful for the said Court to proceed with the hearing and trial of the said cause *ex-parte* without issuing the writ *de contumace capiendo*, and to pronounce such judgment and decree therein as the circumstances of the case may require, in the same manner as the said Court might do if the party cited had appeared or answered.

CAP. XXI.

An Act to alter the time of holding the Circuit Court in and for the County of Sunbury.

Passed 23rd March 1868.

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the Circuit Court in and for the County of Sunbury shall hereafter be held on the first Tuesday in July in each and every year instead of the fourth Tuesday in January as now provided by Act of Assembly 24th Victoria, Chapter 5.

CAP. XXII.

An Act relating to the several Courts of General Sessions of the Peace in this Province.

Passed 23rd March 1868.

WHEREAS doubts have arisen as to the effect of the thirty seventh Section of 10th Chapter of thirtieth Victoria, intituled *An Act to establish County Courts*, upon the times of holding the General Sessions of the Peace in and for the City and County of Saint John, and the several Counties of this Province;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That nothing in the said recited Act shall be construed to apply to the times of holding of the several Courts of General Sessions of the Peace in this Province, or do away with or alter any Term or Sitting thereof, or the time of holding the same; and that all Courts of General Sessions of the Peace or any Special Sessions of the Peace holden in this Province since the passing of the said Act, and all matters, acts and things done or performed at any of such General or Special Sessions, shall be valid, sufficient and effectual to all intents and purposes in law and in equity, as if the said recited Act had not passed; and for any future acts, so far as regards the time of holding the said several Courts of General Sessions, the said thirty seventh Section shall be and is hereby declared to be of no force or effect.

CAP. XXIII.

An Act for changing the times for holding the Courts of General Sessions of the Peace for Queen's County.

Passed 23rd March 1868.

WHEREAS the holding of January and June Sessions of the Peace in and for Queen's County at the same times as is fixed by law for the holding of the County Courts in the said County, is found to be conflicting and productive of much confusion and inconvenience;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the said Courts of General Sessions for the said County shall, after the passing of this Act, be holden on the third Tuesdays in January and June respectively in each and every year, instead of the fourth Tuesdays in January and June as heretofore provided, and that these are to be the only Courts of General Sessions to be holden in each and every year in said County.

CAP. XXIV.

An Act relating to the offices of the Clerk of the Crown on the Circuits and the Clerk of the Circuits.

Sec.

1 Offices abolished.

2 Governor in Council to appoint officer in each County to perform duty.

Sec.

3 Former Acts to apply to persons so appointed.

4 Persons so appointed to receive same fees as heretofore paid.

Sec.

5 Title of persons so appointed.

6 Duties to be performed.

7 Sec. 5, cap. 80, Title iii, repealed.

8 Postea in cases not finally settled, by whom entered.

Sec.

9 Clerks of Courts under this Act to be sworn.

10 All examinations by Justice of Peace or Coroner to be transmitted to Clerk.

11 When Act comes into operation.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows :—

1. The offices of the Clerk of the Crown on the Circuits and Clerk of the Circuit Courts are hereby abolished.

2. The Governor in Council is hereby authorized and empowered to appoint an efficient person in each County, or City and County in this Province, whose duty it shall be to perform, within the said County, or City and County for which he is appointed, all the duties and Acts heretofore devolving upon the Clerk of the Crown on the Circuits and Clerk of the Circuit Courts within said County, under and by virtue of any law, usage or custom now existing in this Province, and for this purpose the powers and duties heretofore conferred and imposed by any law, usage or custom existing in this Province, upon the said Clerk of the Crown on the Circuits and the Clerk of the Circuit Courts, are hereby conferred and imposed upon such person so to be appointed within the County, or City and County for which he is appointed.

3. Every Act of Assembly, and every part of any Act of Assembly, giving any powers to, or imposing any duty or duties upon, either the Clerk of the Crown on the Circuits or the Clerk of the Circuit Courts, shall apply to the person so to be appointed within the County, or City and County for which he shall be appointed, as fully and to all intents and purposes, and with the like force and effect, as if the same were herein expressly enacted with reference to each Clerk to be appointed; and such person shall immediately upon being appointed have and exercise each and all powers and authorities as the Clerk of the Crown on the Circuits and Clerk of the Circuits could, before the passing of this Act, by virtue of any law, usage or custom in force in this Province immediately preceding the passing of this Act.

4. The said several persons so to be appointed shall each be entitled to demand and receive for the several services

rendered and performed by him, the same fees as are now payable to the Clerk of the Crown on the Circuits and Clerk of the Circuit Courts.

5. The several persons so to be appointed shall be called and known as Clerk of the Circuits for the County, or City and County of _____, as the case may be.

6. All papers and documents now required to be made, issued, signed, or prepared, and all duties required to be done and performed by the Clerk of the Crown on the Circuits, or either of them, shall on the appointment of the several persons contemplated by this Act, be made, issued, signed, prepared, performed and done by each Clerk of the Circuits to be appointed by virtue of this Act, within the County, or City and County for which he shall be appointed.

7. The fifth Section of Chapter thirty, Title iii, of the Revised Statutes, 'Of certain Salaries,' is hereby repealed.

8. That all Postéas in cases tried, but not finally decided before the passing of this Act, in which the verdict given shall be sustained, shall be entered on the *Nisi Prius* record at any time after the passing of this Act, by the present Clerk of the Circuits, in the same manner and with the same force and effect as if this Act had not been passed.

9. That the several persons to be appointed to the office of the Clerk of the Circuits under this Act, shall each be duly sworn to the true and faithful discharge of the several and respective duties of their respective offices, before entering upon the duties of their said offices; before one of Her Majesty's Justices of the Peace for the County for which he shall be appointed; and any Justice of the Peace of the County for which such person is so appointed is hereby empowered and authorized to administer such oath; a certificate of such oath having been duly administered, signed by the Justice administering the same, shall be indorsed on the Commission of such Clerk of the Circuits, and such Clerk shall not be deemed to be appointed until such oath is administered and certificate thereof indorsed as aforesaid.

10. All examinations, inquisitions and recognizances taken after the passing of this Act by any Justice of the Peace or Coroner, shall immediately thereafter be transmitted by such Justice of the Peace or Coroner to the Clerk of the Circuits for the County in which the same may be taken, instead of the Clerk of the Crown on the Circuits as heretofore.

11. That this Act shall come into operation on the first day of May which will be in the year of our Lord one thousand eight hundred and sixty eight.

CAP. XXV.

An Act to exempt the Homesteads of Families from levy or sale on Execution.

Sec.

- 1 Homestead to be exempt from levy; waiver of exemption, how and by whom made; when Act is to come in force.
- 2 When Sheriff shall cause a Homestead to be set off, and how; proviso.
- 3 When Homestead cannot be divided without injury, duty of Appraisers; proviso.
- 4 What judgments or contracts not to be affected by this Act.

Sec.

- 5 Husband not to convey unless jointly with wife.
- 6 Property fraudulently purchased.
- 7 Expenses incurred, how paid.
- 8 When Appraisers neglect or refuse to act, how others are appointed.
- 9 Appraiser violating his oath; penalty.
- 10 Definition of term "Homestead."
- 11 Appraiser's oath.

Passed 23rd March 1868.

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That from and after the first day of July one thousand eight hundred and sixty eight, the Family Homestead of the head of each family shall be exempt from levy or sale on execution on any judgment rendered on any cause of action accruing after the taking effect of this Act, provided such homestead shall not exceed in value six hundred dollars; such homestead shall not be assets in the hands of an administrator for payment of debts, nor subject to the laws of distribution, so long as the widow, or children under age, or any or either of them, shall occupy the same; and no release or waiver of such exemption shall be valid unless made by deed, executed by husband and wife, with all the formalities required by law for the conveyance of real estate; or if the wife be dead, and there be children under age, by such deed, executed by the husband, with the consent of the Judge of Probate for the County in which the land lies, endorsed on such deed.

2. That the Sheriff executing any writ of execution founded on a judgment, such as is mentioned in the first Section of this Act, on application of the debtor or his wife, if such debtor shall have a family, and if the lands or tenements about to be levied on, or any part thereof, shall be

the homestead, shall cause a homestead such as the debtor may select, not exceeding six hundred dollars in value, to be set off to the debtor in the manner following, to-wit:— He shall cause three appraisers to be appointed, one by the creditor, one by the debtor, (or in case of his absence or refusal to appear, one by his wife,) and one by himself, who shall be discreet and disinterested men, resident in the County, and in no way connected with, related to, or creditors of the said plaintiff, or connected with, related to, or creditors of the said debtor or his wife, and who shall be sworn by a Justice of the Peace impartially to appraise and set off by metes and bounds a homestead of the estate of the debtor, such as he, or in his absence or refusal to select, his wife, may select, not exceeding six hundred dollars in value; and the set off and assignment so made as aforesaid by the appraisers shall be returned by the Sheriff, together with the affidavit taken by the appraisers, and which shall be in the form hereinafter provided, along with the writ, for record in Court; and if no complaint shall be made by either party, no further proceedings shall be had against the homestead, but the remainder of the debtor's lands and tenements, if any more he have, shall be liable to levy or sale on execution, in the same manner as now provided by law; provided always, that upon complaint made by either party, and upon good cause shewn, the Court out of which the writ issued may order a re-appraisement and re-assignment of the homestead, either by the same appraisers, or others appointed by the Court, and under such instructions as the Court may give, and such appraisement shall be made and returned to said Court as aforesaid.

3. When the homestead of any head of a family, being a debtor in execution, shall consist of a house and lot of land, which, in the opinion of the appraisers, cannot be divided without injury and inconvenience, they shall make and sign an appraisal of the whole value thereof, and deliver the same to the officer having the execution, who shall deliver a copy thereof to the execution debtor, or some member of his family of sufficient age to understand the nature thereof, with a notice thereto attached, that unless the execution debtor shall pay to the said officer the surplus over and above the six hundred dollars within the time limited by law for

the sale of real estate on execution, said premises will be sold ; and in case such surplus shall not be paid within the period aforesaid, the sale shall proceed, and out of the proceeds of such sale said officer shall pay to the said execution debtor, or his representatives, with the written consent of his wife, or in case of her death, of the eldest adult member of the family, the said sum of six hundred dollars ; and if such wife shall not give such written consent, the said officer shall deposit such sum of six hundred dollars in some Savings institution or solvent Bank, to the credit of said debtor and wife, to be withdrawn therefrom only on the joint order of said husband and wife, or the survivor of them ; and the said officer shall apply the balance of said proceeds to said execution ; and if said balance be more than sufficient to pay the same, with the expenses attendant thereon, and any other executions in said officer's hands which by law are binding on said lands, then whatever may remain shall be paid by said officer to said debtor or his representatives ; provided that no such sale shall be made unless a greater sum than six hundred dollars shall be bid therefor, in which case the officer shall return the execution for want of property, with a certificate thereon of his proceedings ; and further provided, that nothing herein contained shall be construed to interfere with the requirements of the law for the advertising and sale of real estate on execution, further than may be necessary to preserve the homestead, on application made as in the second Section of this Act pointed out.

4. The provisions of this Act shall not extend to any judgment rendered on any contract made before the taking effect of this Act, whether any money due thereunder or not at the passing of this Act, nor to impair the lien by mortgage of the vendor for the purchase money of the homestead in question.

5. No conveyance or alienation by the husband of any property so exempted or set-off as aforesaid, shall be valid unless the wife, if living, join in the execution of a deed of conveyance thereof, and acknowledge the same as by law required.

6. The provisions of this Act shall not be so construed as to affect any property fraudulently purchased by the debtor when in insolvent circumstances.

7. That all reasonable expenses incurred under this Act by the officer executing the writ of execution shall be allowed and recovered as incidental expenses are now allowed and recovered on executions; provided that the homestead exempted as above, or the amount paid or deposited in lieu thereof, shall be clear of all charges or abatements whatsoever.

8. In case of death, absence or refusal to proceed of all or any of the appraisers appointed under the second Section of this Act, the officer shall appoint another or others to fill his or their place or places, in the same mode as the party or parties having died, being absent, or refusing to proceed, was or were appointed, the appraisement of whom shall be as valid and effectual as if no death, absence or refusal to proceed had taken place.

9. That any appraiser wilfully and fraudulently violating the oath taken on his appointment, shall be guilty of felony, and be liable to all the pains and penalties for wilful and corrupt perjury.

10. The term "Homestead" throughout this Act shall extend to mean and include lands and premises as well leasehold as freehold.

11. The following shall be the form of the appraiser's oath, referred to in Section two, *mutatis mutandis*.

SUPREME COURT.

A. B. }
vs. } [Title of Cause.]
C. D. }

We, E. F. of , Farmer, G. H. of , Carpenter, and F. G. of , Yeoman, in the County of , do severally swear each for himself, and not one for the other, that we are now residents in the County of ; that we are in no way connected with, related to, or creditors of the said plaintiff, or connected with, related to, or creditors of the said defendant or his wife; that we will impartially appraise, and set off by metes and bounds, out of the estate of the said defendant in said County of , a homestead not exceeding six hundred dollars in value, pursuant to the Act of Assembly thirty first Victoria, Chapter —, intituled *An Act to exempt the Homesteads of Families from levy or sale on Execution*.

Sworn severally by the above named deponents, }
 E. F., G. H., and F. G., at the Parish of in } E. F.
 the County of , this day of } G. H.
 A. D. 18 , before me, } F. G.
 X. Y., *Justice of the Peace*
 for the County of

CAP. XXVI.

An Act relating to the Venire issued to Coroners.

Sec.

1 When Coroners may summon jury.

Sec.

2 Special juries to receive pay.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That whenever the Sheriff is of kin to either party in any cause pending in the Supreme Court of this Province, or in any of the County Courts of this Province, or whenever the Sheriff shall be interested in any such cause, any Venire hereafter to be issued to summon a jury, may be directed to any one of the Coroners of the County in which such cause is to be tried; and the said Venire may be executed by such Coroner, and returned by him, any law, usage or custom to the contrary notwithstanding.

2. Special juries shall be allowed the same pay for travel and attendance as petit jurors.

CAP. XXVII.

An Act relating to the appointment of Coroners for the City and County of Saint John.

Passed 23rd March 1868.

WHEREAS doubts have arisen as to the power of the Lieutenant Governor to appoint more than one Coroner for the City and County of Saint John;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That it shall and may be lawful for the Lieutenant Governor, by and with the advice of his Council, to appoint such and so many Coroners for the City and County of Saint John as may be deemed expedient, not exceeding two resident in the City of Saint John, and one resident in each Parish.

CAP. XXVIII.

An Act in addition to an Act to extend the power of Sheriffs in granting Gaol Limits.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That any Limit Bond which may hereafter be taken under the provisions of the thirteenth Section of Chapter 124, Title xxxiv, of the Revised Statutes, ‘Of Insolvent Confined Debtors,’ or of an Act passed in the twenty fourth year of Her Majesty’s Reign, intituled *An Act to extend the power of Sheriffs in granting Gaol Limits*, for or on behalf of any person for non-payment of rates or taxes, may be assigned to the Collector or Collectors of the proper Parish for the time being, who, if the said Bond be forfeited, may bring an action thereon in his or their name or names of office.

CAP. XXIX.

An Act to repeal an Act intituled *An Act relating to Gaol Limits*.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act passed in the thirtieth year of Her present Majesty’s Reign, intituled *An Act relating to Gaol Limits*, be and the same is hereby repealed.

CAP. XXX.

An Act relating to the Constitution of the Legislative Council of New Brunswick.

Sec.

- 1 Number of Councillors.
- 2 Vacancies, how filled.
- 3 Qualification of Councillor.
- 4 When place shall become vacant.
- 5 Questions respecting qualification, &c., how determined.
- 6 President, how chosen.

Sec.

- 7 What constitutes a quorum.
- 8 Questions, how decided.
- 9 Members, how appointed.
- 10 Members, beside taking oath of allegiance, to make property qualification.
- First Schedule; second Schedule.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That from and after the passing of this Act, the number of the Members of the Legislative Council for New Brunswick shall not exceed eighteen.

2. To fill any vacancies in such Legislative Council which may now exist, to make up such number, or any vacancy

that may hereafter occur under the provisions of this Act, the Lieutenant Governor in Council may appoint (absolutely) fit and proper persons by instruments in the Queen's name, under the Great Seal of New Brunswick, witnessed by the Lieutenant Governor.

3. The qualification of a Legislative Councillor already appointed and holding a seat, or hereafter to be appointed, shall be as follows :—

(1) He shall be of the full age of twenty five years or upwards :

(2) He shall be either a natural born subject of the Queen, or a naturalized subject by Act of Parliament of Great Britain and Ireland, or the Legislature of Upper Canada, Lower Canada, Nova Scotia, or New Brunswick, or Canada, before the Union, or of the Parliament of Canada after the Union :

(3) He shall be legally seized as of freehold for his own use, of land in the Province of the value of two thousand four hundred dollars over and above all incumbrances whatsoever charged upon or affecting the same :

(4) He shall be a resident of the Province.

4. The place of a Legislative Councillor shall become vacant in any of the following cases :—

(1) If, by writing under his hand addressed to the Lieutenant Governor, he resigns his place in the Legislative Council :

(2) If, without leave of absence from the Lieutenant Governor, he fails to give his attendance in the Legislative Council for two consecutive Sessions of the Legislature :

(3) If he take an oath or make a declaration or acknowledgment of allegiance, obedience or adherence to a foreign power, or does any act whereby he becomes a subject or citizen, or entitled to the rights or privileges of a subject or citizen, of a foreign power :

(4) If he is adjudged bankrupt or insolvent, or applies for the benefit of any law relating to insolvent debtors, or becomes a public defaulter :

(5) If he is attainted of treason, or convicted of felony, or of any infamous crime :

(6) If he ceases to be qualified in respect of property or of residence.

5. When a question arises respecting the qualification of a Legislative Councillor, or a vacancy in the Legislative

Council, the same shall be heard and determined by the Legislative Council in such mode or manner as the House may order or prescribe.

6. The Members of the Legislative Council shall continue to choose their own President according to the practice in use at the time of passing this Act, and in case of the temporary absence of such President from sickness or otherwise, they may choose some other Member to act as President *pro tempore*.

7. Until the Legislature of New Brunswick otherwise provides, the presence of at least eight Members of the Legislative Council shall be necessary to constitute a quorum for the transaction of business.

8. Questions arising in the Legislative Council of New Brunswick shall be decided by a majority of voices, and the President shall in all cases have a vote, and when the voices are equal the decision shall be in the negative.

9. The instrument appointing a Member of the Legislative Council shall be in the form indicated in the first Schedule to this Act, or in words to like effect.

10. That every Member of the Legislative Council appointed after the passing of this Act, in addition to the taking and subscribing of the oath of allegiance as required by "The British North American Act, 1867," before taking his seat therein, shall also make and subscribe before the Lieutenant Governor, or some person authorized by him, a declaration of his property qualification, according to the form in the second Schedule of this Act, or in words to the like effect; which declaration of qualification shall be filed with the Clerk of the Legislative Council.

FIRST SCHEDULE.

[*Lieut. Governor's signature.*]

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

To

Esquire :

Know You, that confiding in your loyalty, fidelity, and circumspection, We have thought fit to constitute and appoint, and by these presents do constitute and appoint you to be a Member of the Legislative Council of our Province of New Brunswick.

In testimony whereof, We have caused the Great Seal of our said Province to be hereto affixed this day of , in the year of our Lord one thousand eight hundred and , and in the year of our Reign. Witness our trusty and well-beloved
Lieutenant Governor of the Province of New Brunswick.

By Command.

A. B., *Provincial Secretary.*

SECOND SCHEDULE.

I, A. B., do declare that I am by law duly qualified to be a Member of the Legislative Council of New Brunswick, and that the freehold on which my property qualification is based, is situate in the Province of New Brunswick, and described as follows :—*[here particularly name the Parish and County, or different Parishes and Counties, where the lands comprising the property qualification are situate, and particularly describe the property by metes and bounds.]*

Made and subscribed this day of A. D. 186 .

CAP. XXXI.

An Act in addition to an Act to empower the City Council of the City of Fredericton to contract a Loan in aid of the Fredericton Railway.

Sec.

- 1 Maximum interest Debentures of Council may bear.
- 2 When Council may issue Deben-

Sec.

- tures. Amount of security to be given by Company.
- 3 Debentures, under what authority issued.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows :—

1. Notwithstanding any thing contained in the sixth Section of an Act made and passed in the thirtieth year of the Reign of Her present Majesty, Chapter sixty five, intituled *An Act to empower the City Council of the City of Fredericton to contract a Loan in aid of the Fredericton Railway*, the Debentures and Coupons to be issued by the City Council of the City of Fredericton, under the authority of the said hereinbefore in part recited Act, and of this Act, may be issued, bearing a rate of interest not exceeding eight per centum per annum.

2. Notwithstanding any thing contained in the second Section of the said hereinbefore in part recited Act, the said

City Council may on the first day of April in the year of our Lord one thousand eight hundred and sixty eight, issue to the Fredericton Branch Railway Company, Debentures and Coupons to an amount not exceeding ten thousand dollars; and the said Council are hereby authorized and empowered to receive from the said Fredericton Branch Railway Company, such security as they may deem sufficient for the faithful performance of their contract in reference to the grading of the said Road to the extent of five miles, and failing that, for the payment by the said Company to the City of Fredericton, on said failure, of the said sum of ten thousand dollars, and all interest due and accruing thereon; and should the said City Council determine at any future time to advance any further portion of the balance of forty thousand dollars, the said City Council are authorized to receive and take security from the said Company in like manner as provided in this Section for the return of the said sum of ten thousand dollars.

3. The Debentures and Coupons to be issued under and by virtue of the said hereinbefore in part recited Act, and this Act, after all the Debentures and Coupons now issued are paid, shall be a first charge on the revenues of the City of Fredericton.

CAP. XXXII.

An Act to enable the Mayor, Aldermen and Commonalty of the City of Fredericton to grant certain facilities to the Fredericton Branch Railway Company.

Sec.

1, 2, 3, City Council empowered to give permission to lay down track on certain streets, and along great road between Earle's creek and Estey's mills.

4 Council may give certain part of Poor House Lot.

Sec.

5, 6, Public landing, Westmorland and Sunbury Streets, in whom vested.

7 Wharves to be used for Railway purposes only.

8 Track may be carried to Westmorland Street, from Earle's bridge along bank of river.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. The City Council of the City of Fredericton, in Council, may and they are hereby authorized to permit the Fredericton Branch Railway Company to lay a railway track, connecting with said Fredericton Branch Railway, down

Sunbury Street in the said City, on any part thereof, to the bank of the River Saint John, and may cross any street at right angles with said Sunbury Street, from its junction with the said railway track to the said bank.

2. The said City Council in Council may also permit the said Fredericton Branch Railway Company to lay a railway track across York Street, from the Depot, to Westmorland Street, and down Westmorland Street in the said City, on any part thereof, to the bank of the River Saint John, and may cross any street at right angles with said Westmorland Street with the said railway track to the said bank.

3. The said City Council may also permit the said Railway Company to lay the main Branch Railway in and along so much of the great road leading to the City of Saint John, between Earle's bridge (so called) and Estey's mills, as they may require for the purpose of a roadway.

4. The said City Council may and they are hereby authorized and empowered to give to the said Fredericton Branch Railway Company all the right the City of Fredericton has in the Poor House Lot, (so called) lying between the public ditch and the land owned by Henry Torrens, Esquire, with the exception of one hundred feet of said Poor House Lot, fronting on York Street, and running to the rear in a southeasterly course until it strikes land owned and occupied by the Honorable Lemuel A. Wilmot.

5. The fee in the two hundred feet of the public landing at the foot of Westmorland Street is hereby declared to be vested in the said City of Fredericton, and the said City Council may and they are hereby empowered, upon such conditions as may be agreed upon between the said City Council and the said Fredericton Branch Railway Company, to grant the same by deed to the said Fredericton Branch Railway Company, for the purpose of erecting wharves thereon for Railway purposes.

6. The fee in the upper one hundred feet of the public landing at the foot of Sunbury Street, is hereby declared to be vested in the said City of Fredericton, for the use of the said City, with power in the City Council of the said City, at any time they may see fit, to lease the same for the purpose of erecting wharves thereon.

7. The wharves to be built by the said Fredericton Branch

Railway Company on the public landing at the foot of Westmorland Street, or near to the foot of Sunbury Street, shall not be used for any other but Railway purposes, the said Railway Company not to have any right to ask, demand, receive or collect tolls or top wharfage for any boats or vessels lying or loading or unloading thereat.

8. The said City Council may and they are hereby authorized and empowered to permit the said Fredericton Branch Railway Company to lay a railway track from the main road near to Salamanca, crossing the main road leading from Fredericton to Saint John near to Earle's bridge, (so called) and continuing up the bank of the River Saint John, and along the said bank to Westmorland Street, crossing any street at right angles therewith.

CAP. XXXIII.

An Act to incorporate the Fredericton Hotel Company.

Sec.

- 1 Company incorporated.
- 2 Capital of Company.
- 3 Shares assignable; proviso.
- 4 When general meeting may be held; powers of meeting.
- 5 General annual meeting, when held.
- 6 Officers of Company, by whom appointed.

Sec.

- 7 What constitutes a member of Company.
- 8 Stockholder liable for calls.
- 9 Company may levy assessments upon shares; notice of assessments to be given.
- 10 Property of Company alone liable.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. George C. Hunt, Junior, William H. Robinson, Joseph Myshrall, William Wheeler, Joseph Phillips, Zebedee R. Everett, Marshall Richey, Charles J. Davis, Martin Lemont, John Neill, Zebulon Rowe, and Lewis W. Sherman, their associates, successors, and assigns, be and they are hereby declared to be a body politic and corporate by the name of "The Fredericton Hotel Company," and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province.

2. The property of the said Corporation shall be divided into five hundred shares of twenty dollars each, and every member of the said Corporation shall have and become entitled to have a certificate under the seal of the said Company, and signed by the President and Secretary thereof,

certifying his property in such shares as shall be expressed in the certificate.

3. The shares in the said Corporation shall be assignable and transferable according to such rules and regulations as may by bye law of the Corporation be established; but no assignment or transfer shall be valid and effectual unless the same shall be entered and registered in a book to be kept by the Directors for that purpose; in no case shall any fractional part of a share or other than a complete share or shares be assignable or transferable; whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Company, he shall cease to be a member of the said Corporation.

4. When one hundred shares of the capital stock shall have been subscribed, a general meeting of the subscribers shall be held in the City of Fredericton aforesaid, and shall and may be called by any two persons named in this Act, by giving notice thereof for twenty days in one or more of the public newspapers published in the City of Fredericton, at which, or any subsequent meeting to be for that purpose holden, bye laws shall be established, and five Directors shall be elected, who shall be members and stockholders of and in the said Corporation to such an extent as may be required by the said bye laws; which Directors so chosen shall at their first meeting after their election choose one of their number President of the said Company, and shall serve until the first annual meeting of the said Company, or until others are chosen in their stead; which Directors shall have full power and authority to manage the concerns of the said Company, and shall commence the operations thereof, subject nevertheless to the laws and regulations which may from time to time be made by the said Corporation.

5. A general meeting of the stockholders of the said Corporation shall be annually holden on the second Wednesday in January in each and every year at the City of Fredericton, at which annual meeting there shall be chosen of the said members five Directors duly qualified according to the rules and regulations of the said Company, who shall continue in office for one year, or until others are chosen in their place; and the Directors when chosen shall at their first meeting choose one of their number a President.

6. The Directors for the time being shall and may appoint a Solicitor, a Secretary-Treasurer, and such other officers, clerks, and servants, as they, or the major part of them, shall think necessary for executing the business of the Corporation, and shall allow them (out of the funds of the Corporation) such compensation for their respective services as to them shall appear reasonable and proper; and the Directors shall likewise exercise such other powers and authorities for the well-regulating the affairs and managing the business of the said Corporation, as shall be prescribed by the bye laws and regulations of the same.

7. Every person owning a share in the capital stock of the said Corporation shall be a member thereof, and be entitled to vote at all meetings of the said Company, and members may give as many votes as they own shares, and absent members may vote by proxy, such proxy being a stockholder and authorized in writing.

8. That each and every shareholder in the said Company shall be held liable to the said Corporation for each and every call and assessment made, not, however, to exceed in amount the stock subscribed for, for the purpose of enabling the said Company to pay the debts and engagements of the said Corporation, or to carry on the operations for which the said Company is incorporated, and shall and may be sued for by the said Corporation and recovered in any Court of Record within this Province.

9. The said Company shall have power to levy and collect assessments upon the shares from time to time, of such sums of money as may be deemed necessary for carrying on the business of the said Company; and whenever any assessment shall be made by the stockholders or Directors of the said Company, it shall be the duty of the Secretary-Treasurer to give notice thereof in one or more newspapers printed in the City of Fredericton, requiring payment of the same within thirty days, and if any stockholder shall refuse or neglect to pay the Secretary-Treasurer the amount of such assessment upon his shares at the time prescribed, it shall be the duty of the Secretary-Treasurer to advertise all such delinquent's shares for sale at public auction, giving at least thirty days notice of the time and place of such sale; and all shares upon which the assessment is not then paid, with interest

from the time such assessment became due, shall be sold to the highest bidder, and after retaining the amount of such assessment and interest due on each share, and the expense of advertising and selling, the residue (if any) shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchaser.

10. That the joint stock and property of said Corporation shall alone be responsible for the debts and engagements of the said Company, and that no creditor or person having any demands against the said Company, for or on account of any dealings with the said Company, shall have recourse against the separate property of any stockholder on account thereof.

CAP. XXXIV.

An Act to continue certain Acts for the support of the Police of the City of Saint John.

Passed 23rd March-1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. An Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act more effectually to provide for the support of a Nightly Watch and Day Police in that part of the City of Saint John lying on the eastern side of the Harbour of Saint John, and for lighting the same, and for other purposes*, except so much thereof as is repealed by the twelfth Section of an Act made and passed in the twelfth year of the same Reign, intituled *An Act in further amendment of the Charter of the City of Saint John*, be and the same is hereby continued in full force until the first day of May which will be in the year of our Lord one thousand eight hundred and seventy eight.

2. An Act made and passed in the sixteenth year of the Reign of Her present Majesty, intituled *An Act to continue and amend an Act more effectually to provide for the support of a Nightly Watch and Day Police in that part of the City of Saint John lying on the eastern side of the Harbour of Saint John, and for lighting the same, and for other purposes*, is hereby continued in full force until the first day of May which will be in the year of our Lord one thousand eight hundred and seventy eight.

CAP. XXXV.

An Act to alter and amend an Act to explain an Act to authorize and empower the Justices of the Peace in and for King's County to sell and convey certain School Lands in the Parish of Springfield.

Sec.

1 Sec. 2, of cap. 56, repealed.

Sec.

2 Arbitrators, by whom appointed.

Passed 23rd March 1868.

WHEREAS under and by virtue of an Act made and passed in the twenty fifth year of the Reign of Her present Majesty, Chapter fifty seven, intituled *An Act to explain an Act intituled An Act to authorize and empower the Justices of the Peace in and for King's County to sell and convey certain School Lands in the Parish of Springfield, and invest the proceeds in other lands or other valuable securities more advantageous to the inhabitants of said Parish*, provision was made for the appointment of persons to settle differences of opinion which might arise between the said Justices and the parties claiming remuneration under said Act; and whereas difficulties have arisen between the parties so appointed;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That Section two of the said hereinbefore recited Act Chapter 57, be and the same is hereby repealed.

2. The Governor in Council may appoint three disinterested persons to settle any differences of opinion that may arise between the Justices of the Peace of said County of King's, and the party or parties claiming to be remunerated for improvements *bona fide* made on the said land or any part thereof as aforesaid; the persons so appointed shall investigate the matter, and shall and may examine evidences on oath, if they see fit, and shall make up their award or finding in writing; and such award, or the award of any two of them, shall be binding, and shall be final and conclusive, and the amount of the same shall be paid to the said Justices in addition to the sum for which the said lands may be sold, under the authority of the hereinbefore recited Act, to be by them paid over to the party entitled to receive the same, or his legal representatives,* any thing in any Act or Acts contained to the contrary in any wise notwithstanding.

CAP. XXXVI.

An Act in addition to and in amendment of the Law relating to the levying, assessing and collecting of Rates and Taxes in the City of Saint John.

- | | |
|--|--|
| <p>Sec.
 1, 2, For purposes of assessment, what constitutes an inhabitant.
 3 What constitutes place of inhabitancy of Corporation or Company.
 4 Sec. 15 of Act of 1859 repealed; Company or person out of Province, having place of business in City, liable to assessment.
 5 Section 16th of recited Act repealed; Stockholder not to be rated for stock of Company.</p> | <p>Sec.
 6 Taxes on real estate to be a special lien on the property.
 7 Taxes on real estate, from whom levied and recovered.
 8 When Assessors may correct lists.
 9 Executions to have effect in all parts of the County.
 10 Additional duties of Assessors.
 11 Agents of vessels exempted from assessment.</p> |
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Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows :—

1. For the purposes of assessment under an Act made and passed in the twenty second year of the Reign of Her present Majesty, intituled *An Act relating to the levying, assessing and collecting of Rates in the City of Saint John*, known as the “Saint John City Assessment Act of 1859,” and the several Acts in force in amendment thereof, and in addition thereto, any person carrying on any business, or having any office or place of business, or any occupation, employment or profession within the City of Saint John, shall be deemed to be an inhabitant thereof.

2. For the purposes of assessment any person carrying on any business, or having any office or place of business, or any occupation, employment or profession within the City of Saint John, shall be deemed to be an inhabitant thereof.

3. The principal office or place of carrying on the business and operations of any Company or Corporation within the said City of Saint John, shall be deemed to be the place of inhabitancy of such Company or Corporation, and of the President, Agent, or Manager, under the fourteenth Section of the said recited Act.

4. The fifteenth Section of the said “Saint John City Assessment Act of 1859,” is hereby repealed; and in lieu thereof, the Agent or Manager of any joint stock Company or Corporation established abroad or out of the limits of this Province, or of any person or persons whether incorporated or not, doing business abroad or out of the limits of this Province, who shall carry on business within the City of Saint

John for, or who shall have an office or place of business in the City of Saint John for any such Company, Corporation, person or persons, shall be rated and assessed in like manner as any inhabitant, upon the amount of income received by him for the same as such Agent; and for the purpose of enabling the Assessors to rate such Company or Corporation, person or persons, the said Agent or Manager shall, when required in writing by the Assessors so to do, furnish to them a true and correct statement in writing, under oath, setting forth the whole amount of income received for such Company or Corporation, person or persons, within the City of Saint John, during the fiscal year preceding the making up of the annual assessment; in the event of neglect or refusal on the part of such Agent or Manager to furnish the required information, the Assessors shall within ten days after such application therefor, rate and assess the said Agent or Manager according to the best of their judgment, and there shall be no appeal from such rate and assessment: For the purposes of this Section the Agent or Manager shall be deemed the owner of such income, and shall be dealt with accordingly, but he may recover from the Company or Corporation, person or persons he represents, any assessment he may be called upon to pay on such income as aforesaid; such assessment shall be made separately and distinctly from any other assessment to which such Agent or Manager shall be liable.

5. The sixteenth Section of the said "Saint John City Assessment Act of 1859," is hereby repealed; and in lieu thereof, no stockholder of any joint stock Company or Corporation liable to be rated, shall be assessed in respect of any property in, or income derived from, such Company or Corporation, as a stockholder therein.

6. The taxes to accrue on any property termed "real estate" under the said "Saint John City Assessment Act of 1859," or any Act in addition or in amendment thereof, or this Act, shall be a special lien on such property for two years after such taxes so accrue.

7. The taxes on such real estate may be levied and recovered either from the owner of the property so assessed, or from any person occupying the same, or any part thereof, as a tenant; the said tenant so occupying the same being first served with notice of demand of such taxes; and no claim

of property, lien, or privilege, shall be available to prevent the sale of any goods and chattels found on such real estate, the property of said tenant, or the payment of the taxes and costs out of the proceeds thereof; and when any such taxes shall be paid under and by virtue of this Section, by any person not liable for the same by the terms of his lease or agreement under which he holds or occupies such property, he may deduct or set off the sum so paid from the rent payable by him for such property, or may recover the same with costs and damages from the said owner, by action for money paid, in any Court of competent jurisdiction.

8. If property belonging to one person shall be assessed against another person, or if the name of any person liable to be assessed shall have been omitted from the assessment list, or if any person shall take up his residence in the said City of Saint John within three months after filing of the Assessment Book or List, or if any error shall occur in the addition, extension or apportionment of any part of the said list, the Assessors may correct such error, make such assessment, and supply such omissions, at any time before another assessment is made for a similar purpose; and the amount so assessed may be recovered by the Receiver of Taxes in the same manner as other assessments in the said Book or List.

9. The Executions to be issued by the Receiver of Taxes under the Act made and passed in the twenty ninth year of the Reign of Her present Majesty, intituled *An Act to amend an Act intituled An Act relating to the levying, assessing and collecting of Rates in the City of Saint John*, shall run into and have full force and effect in all parts of the County of Saint John, and the same may be executed and all proceedings had thereon in all parts of the said County as fully and effectually as within the City of Saint John.

10. The Assessors shall in addition to the duties now required of them by law, search the Registry of Shipping, and all public departments where registry of Bonds or other public securities are kept within the City and County of Saint John, or elsewhere, that may be necessary for the purpose of obtaining information for carrying out the provisions of the laws relating to assessments, and to pay such fees as may legally be demanded, which shall be repaid them as necessary expenses of their office.

11. Nothing in this Act shall extend to authorize any assessment on any person or agent for the freight or earnings of any vessel, steamboat or ship entering or clearing the Port of Saint John.

CAP. XXXVII.

An Act to incorporate the Carleton (Saint John) Shipwrights' Shipbuilding and Trading Company.

Sec.

- 1 Company incorporated.
- 2 Capital stock.
- 3 Powers of Company.
- 4 First meeting, when held, and by whom called.
- 5 General meeting, when and where held.
- 6 Number of Directors.
- 7 Who eligible as Director.
- 8 Votes, how apportioned.
- 9 Shares to be paid by monthly instalments.
- 10 Shares, how allotted or transferred.
- 11 Treasurer to give notice of assessment.

Sec.

- 12 On trial for recovery of assessment, what deemed evidence.
- 13 Joint stock alone liable.
- 14 Meetings of Company, how called.
- 15 Vacancy, how filled.
- 16 When dividends are not to be paid.
- 17 What amount to be paid in before Company can commence operations.
- 18 Duties of Directors.
- 19 Detailed account to be kept.
- 20 Statement of affairs to be laid before annual meeting.
- 21 When dividends shall be declared.
- 22 Surplus of profits, how applied.
- 23 Salary, to what officer paid.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. James Olive, Henry Blizard, Benjamin Tippet, Gideon Sprague, Joseph Roulston, Thomas Johnston, Robert Vaughn, George Abrams, Joseph O'Brien, James Earl, James Esty, John C. Brittain, John Goldsworth, John Tool, Edwin Wheaton, Isaac C. Perkins, John Kindred, Robert Ward, William Lee, William Holland, Michael Casey, Patrick Burns, Patrick Sullivan, John Tippet, Robert Fulton, Joseph Vail, Junior, Stephen Purdy, John Young, their associates, successors, and assigns, being Shipwrights, shall be and they are hereby declared to be a body politic and corporate, by the name of the "Carleton (Saint John) Shipwrights' Shipbuilding and Trading Company," and by that name shall have all the powers and privileges made incident to a Corporation by Act of Assembly of this Province, for the purposes of building ships or vessels, and freighting, chartering, trading with, or selling the same, and of conducting and carrying on such other business as may be incident thereto.

2. The capital of the said Company shall be derived from

two sources, and shall be designated permanent and accumulative; the permanent capital shall be four hundred thousand dollars of current money of New Brunswick, and shall be divided into forty thousand shares of ten dollars each, payable at such times and in such instalments as the business of the Company may require and the Directors may determine; the accumulative capital shall be made up from the premiums upon shares sold by the Company, and from the half-yearly net earnings of all vessels owned by the Company, as follows, that is to say:—After payment of or due provision for the debts and liabilities of the Company, and before declaring any dividend, an amount not exceeding five per centum on the first cost of each vessel, shall, during the first ten years after her completion, be reserved as a part of such accumulative capital; which capital shall be applied in the first place to the payment of any charges or losses upon such vessel beyond the ordinary wear and tear, and to the building of other vessels and fitting out the same.

3. The said Company shall have full powers and authority to take, receive, hold, possess and enjoy in fee simple, any lands, tenements or real estate to any amount not exceeding twelve thousand dollars, for the purposes for which it is incorporated, and to lease, sell and exchange the same from time to time as may be required.

4. The first meeting of the Company aforesaid shall be held in Carleton, in the City of Saint John, and shall be called by the said James Olive, or in case of his death, neglect, or refusal, by any two of the persons named in the first Section, by giving notice thereof in one or more of the public newspapers published in the City of Saint John, at least ten days previous to such meeting, but no person shall take part therein or vote thereat, unless he shall have paid in (to the person or persons calling it) two per cent. on the whole amount of stock in the said Company subscribed by him; at such meeting, or any adjournment thereof, the stockholders legally qualified, may proceed to make bye laws and regulations, and elect Directors; and the Directors so chosen shall serve until the first annual meeting, or until others are elected in their stead, and shall have full power and authority, as shall all subsequently elected Directors, to appoint such Agents, Officers and Clerks as may be necessary

for the management of the affairs of the said Company, subject to the provisions of this Act.

5. A general meeting of the shareholders of the said Company shall be held annually in Carleton aforesaid, on the third Monday in January, for the purpose of choosing Directors, who shall remain in office one year from that day, or until others are elected in their stead; and the said general meeting shall also elect one of the aforesaid elected Directors as President of the Company for the ensuing year: In the absence of the President from any meeting, the Directors may appoint one of their number Chairman.

6. The number of Directors shall be seven, of whom four (including always the President) shall be elected each year; five of the Directors shall form a quorum for the transaction of business.

7. No person shall be eligible as Director unless he shall hold at least five shares of the permanent capital stock of the Company, be twenty one years of age, and shall have paid up at least twenty five per cent. on such shares, and all other instalments on the stock held by him which may have been called in.

8. On every occasion when the votes of the shareholders are to be given, each shareholder shall have a vote on the first share, and only one other vote for four shares, or for any number of shares he may hold in the said Company, making two votes for the four shares and any number of shares he may hold above four; provided only, that no share shall be voted upon which the whole or part of any instalment called in shall be due and unpaid; absent shareholders may vote by proxy, but all proxies must be held by shareholders, who must produce sufficient authority in writing, and no shareholder shall be entitled to hold more than two proxies.

9. The Directors may issue shares to be paid for by monthly instalments; the amount of such monthly instalments, and the time of payment, to be regulated by bye laws to be made by the Company; but no person shall be allowed to subscribe for or to hold more than two such shares, on which the full amount thereof shall remain unpaid at any one time; and all persons having shares allotted to them, whether payable by monthly instalments or upon call, shall forthwith make a

payment to the Treasurer or other person entitled to receive it, of two per cent. on each share.

10. The shares of the said Company shall be applied for and allotted, and shall also be transferable according to such regulations and in such mode and form as shall be appointed by the bye laws to be made by the Company; but no transfer of stock shall be complete or effectual until registered in a book to be kept by the Directors for that purpose; and in no case shall any part of a share less than the whole, or any share on which any thing may be due and unpaid, be transferable; and whenever any shareholder shall have transferred all his shares in the said Company, he shall cease to be a member thereof.

11. The Directors may from time to time make and collect such assessment or assessments of an equal rate upon all the subscribed shares of the Company, (not payable by monthly instalments,) as may be necessary for carrying on the business of the Company, and when any such assessment is made, the Treasurer shall give notice thereof in one of the newspapers published in the City of Saint John, requiring payment thereof to be made at the office or principal place of business of the said Company, within fifteen days from the date of such notice; and if such assessment shall not then be paid by any shareholder upon the share or shares held by him, it shall and may be lawful for the Directors, in the name of the said Company, to sue such shareholders for the amount thereof in a Court of Law or Equity having competent jurisdiction, and recover such amount, with interest from the last day on which the same was payable; if, after paying to the said Company the amount of such assessment, interest thereon, and all other expenses, there shall be any residue, it shall be paid over to the former holder of such share, or his legal representative; or if upon any share the monthly instalment, or any assessment, shall be allowed to remain due and unpaid for the space of three months; such share may be declared forfeited by resolution of the Directors, and the amount paid thereon be appropriated to a fund to be called the "Reserve Fund" of the said Company.

12. On the trial or hearing of any suit brought to recover the amount of any assessment upon a share or shares, the production of the register of shareholders shall be *prima*

facie evidence of the defendant being a shareholder, and of the number and amount of his shares at the time such assessment shall have been ordered; and on proof that such assessment was actually made, and due notice thereof given, of which, production of the newspaper containing the same shall be sufficient proof, it shall be unnecessary to prove any other matter or thing.

13. The joint stock and property of the said Company alone shall be liable for its debts and engagements; but no shareholder shall be liable to be assessed beyond the full subscribed value of any share or shares to be held by him.

14. All regular and special meetings of the Company shall be called by public notice given by the President or any four Directors, stating the time and place of such meeting; such notice to be inserted in a newspaper published in the City of Saint John, at least ten days before the time of meeting.

15. In case of a vacancy among the Directors by death, resignation, or disqualification, transfer of stock, or from any other cause, the Company shall elect any eligible shareholder in his stead; and the Director so chosen shall serve until another be chosen in his stead at the annual meeting of the Company.

16. No dividend shall be paid to any shareholder by whom any assessment or monthly instalment shall at the time of such dividend being declared be due and unpaid; but such dividend, or so much thereof as may be necessary, may be placed by the Directors to the credit of the amount so due by such shareholder.

17. The said Company shall not commence operations, or enter into any contracts or engagements, until at least four thousand dollars of capital shall be subscribed, and at least twenty five per centum thereof paid up, and that a certificate thereof under oath by the President of the Company, shall be duly filed in the Provincial Secretary's Office.

18. It shall be the duty of the Directors from time to time to make estimates of the cost of construction and outfit of such vessels, designed for such purposes or trades as they shall deem most advisable, and to submit such estimates, when made, to the annual meeting of the shareholders, or any special meeting to be called for the purpose; if such estimates, or modifications of them, be approved by a major-

urity of votes at such meeting, the Directors shall forthwith proceed with the work, and after having applied as much as they think desirable of the accumulative capital in hand to such purpose, shall be at liberty to make and offer for sale any additional issue of shares which may be necessary to produce sufficient capital (within the limits prescribed by this Act) to carry on the same, with the power to fix the minimum price of such shares, so as to make them at the time of issuing of equivalent value to the then existing shares of the Company.

19. Separate and detailed accounts shall be kept of the costs of construction, of the running expenses, and of the earnings of each vessel.

20. The Directors shall, at the annual meeting in each year, lay before the shareholders for their information, previously to the election of new Directors, an exact and particular statement of the whole affairs of the Company, shewing its debts, liabilities, and assets, the number and kind of vessels owned and building by it, and their value, and the quantity and value of outfit and materials, real estate, and other property of the Company, also the annual surplus of profits (if any) remaining after deduction of expenses, and losses, and provisions for dividend; which statement shall be signed by three at least of the Directors, and attested by the President and Secretary, or Manager.

21. The Directors shall make and declare half-yearly dividends of the surplus income and profits, to be made up to the first day of January and July of each year; but no dividends shall be declared or payable on any assessment or instalment which shall have been paid in less than three months previously to the time of making up a dividend; nor shall any dividend be declared until all debts and liabilities of the Company are paid or provided for.

22. Any surplus of profits, after making up the half-yearly dividend as aforesaid, amounting to less than a quarter per centum, together with such sums as may be forfeited as aforesaid, shall be placed to the credit of the fund, called the (Reserve) Fund aforesaid, which shall be kept separate from the general funds of the said Company, and be applied as the Company aforesaid may direct.

23. No Director shall receive or be entitled to any salary

or emolument for his services unless the Company may direct and allow the same; but the President shall have such compensation as the shareholders at any meeting of the Company shall appoint.

CAP. XXXVIII.

An Act for the relief of the Reverend Edgar Lowell Foster.

Passed 23rd March 1868.

WHEREAS the Reverend Edgar Lowell Foster, a regular ordained Congregationalist Minister, has become a resident in this Province, and the settled Pastor of the Congregational Church in Saint Stephen, in the County of Charlotte, but by reason of his not being a British subject is precluded from solemnizing marriages in this Province;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the Reverend Edgar Lowell Foster, after having taken the oath of allegiance to Her Majesty before the Provincial Secretary, or some other person to be appointed therefor, without fee, by the Governor, may solemnize marriage by license, or publication of banns, with the same effect as any Christian Minister, authorized by Chapter 106, Title xxvii, of the Revised Statutes, might do, subject to the provisions of any law now in force, or hereafter to be enacted, relating to the solemnization of marriage.

CAP. XXXIX.

An Act to authorize the erection of a Sorting Boom on the River Kouchibouguacis.

Sec.

- 1 Persons authorized to erect Boom.
- 2 Distance Booms may extend.
- 3 Piers and abutments may be repaired when necessary; proviso.
- 4 Timber, &c., when to be sorted.
- 5 When an action on the case may be had.

Sec.

- 6 Penalty for intentional injury to Boom.
- 7 Rights and privileges, duties and liabilities, in whom vested.
- 8 Unmarked logs, among whom divided.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That George M'Leod and James Cameron, of the Parish of Richibucto, in the County of Kent, the proprietors of Mills situate on the Kouchibouguacis River, in the Parish of Saint Louis, in the said County of Kent, are hereby autho-

rized to erect and maintain a Boom across the River Kouchibouguacis, above the Mills of the said George M'Leod on the said River, for the purpose of stopping, collecting together, and sorting timber, logs, masts, spars, and any other lumber which may float down the Kouchibouguacis River, and for the purpose of selecting and separating therefrom all timber, logs, masts, spars, and any other lumber belonging to the said George M'Leod and James Cameron.

2. The said George M'Leod and James Cameron are hereby authorized to erect and maintain Booms, extending from the Boom mentioned in the first Section of this Act down the north and south sides of the said River Kouchibouguacis, to the said Kouchibouguacis Mills, owned by the said George M'Leod, or near thereto, for the purpose of protecting and securing the timber, logs, and any other lumber for the use of the said Mills owned by the said George M'Leod.

3. The said George M'Leod and James Cameron may by themselves, their servants and agents, erect, construct, renew and repair from time to time, all such piers or abutments as may be necessary to secure and maintain the said Booms, or any of them; provided that nothing herein contained shall authorize or empower the said George M'Leod and James Cameron, their agents or servants, to enter upon the lands of any person without the consent of the owner or owners thereof first obtained in writing.

4. It shall be duty of the said George M'Leod and James Cameron, while the Boom mentioned in the first Section of this Act is kept and maintained across the said river, and whenever any timber, logs or lumber coming down the said river is stopped by such Boom, to cause the said timber, logs or lumber to be examined and sorted each day, (Sundays excepted), and to select therefrom, without any unreasonable delay, all the timber, logs or any other lumber belonging the said George M'Leod and James Cameron, and place the same within the Booms mentioned in the second Section of this Act, or otherwise to remove the same, and to allow all the remainder of such timber, logs, or lumber, to float down the said River Kouchibouguacis, to and over the sluice at the mill dam of the said George M'Leod, in the manner now accustomed; that if the said George M'Leod and James Cameron shall fail to put on a sufficient number of

men daily, as deemed necessary by the Boom Master, (Sundays excepted), to sort and pass all logs and timber coming into their Booms, and if the said George M'Leod and James Cameron fail to do so, then the owner or owners of lumber coming down said stream may put on men to pass and assort said timber and logs at the expense of the said M'Leod and Cameron.

5. If any person shall sustain any damage by the neglect or unreasonable delay of the said George M'Leod and James Cameron, their servants or agents, in carrying out the direction contained in the fourth Section of this Act, such person may obtain an action on the case against the said George M'Leod and James Cameron in the Supreme Court.

6. If any person or persons shall wilfully or maliciously destroy or injure the said Boom or Booms, or any of them, or any of the piers thereof, or works connected therewith, such person or persons shall be guilty of a misdemeanor, and on conviction be imprisoned in the Provincial Penitentiary for a period not exceeding three years.

7. All the rights, powers and privileges hereinbefore by this Act given to and vested in the said George M'Leod and James Cameron, and all the duties and liabilities by this Act imposed upon the said George M'Leod and James Cameron, shall vest in and attach to their heirs and assigns, being the owners of Mills on the Kouchibouguacis River, as fully and effectually in all respects as the same are given to and vested in and attach to the said George M'Leod and James Cameron.

8. All logs without mark shall be divided *pro rata* among the parties owning logs on said stream at the Sorting Boom.

CAP. XL.

An Act in addition to an Act intituled "An Act to authorise the Trustees of Saint Stephen's Church, in the City of Saint John, to sell and dispose of certain Lands in the said City, and to reinvest the proceeds thereof."

Sec. Preamble.

1 Commissioners may set apart certain Pews on which to borrow money.

Sec.

2 Remainder of Pews, how to be disposed of; proceeds of Pews, how applied.

Passed 23rd March 1868.

WHEREAS under authority of an Act of the General Assembly of this Province made and passed in the tenth

year of the Reign of Her present Majesty, intituled *An Act to authorize the Trustees of Saint Stephen's Church, in the City of Saint John, to sell and dispose of certain lands in the said City, and to reinvest the proceeds thereof*, and of certain other Acts of the said Assembly subsequently passed in amendment thereof, the said Trustees did sell and dispose of the said lands and premises: And whereas Commissioners were appointed, as mentioned in the third Section of the said first mentioned Act, for the purpose of selecting and purchasing a site for a new Church to be built by them from the surplus funds arising from the sale of the said lands; such Church, when completed, to be in connexion with the Church of Scotland, as by law established, and to set apart pews in such new Church to the several proprietors of pews in the said Saint Stephen's Church, at the time of its sale, who had paid up all arrears of rent and purchase moneys, similar as near as may be to the position and extent of such pews respectively, as in the judgment of such Commissioners may be just and equitable, such pews to be held on the same terms and conditions as the pews formerly held by them respectively in said Saint Stephen's Church: And whereas the said Commissioners have selected and purchased a lot of land, or site, for such new Church, and have made and entered into a contract for the building and finishing thereof, and have applied all and singular the said surplus funds, and all moneys collected and procured from private individuals, towards the payment for the erecting and finishing the said new Church, which is now nearly completed: And whereas it is deemed desirable that the said Commissioners be authorized and empowered, after setting apart pews as mentioned in the third Section of the said first mentioned Act, to borrow or procure by way of loan, upon the security of the said new Church, lands and premises, a sufficient sum of money to pay for the finishing of the said Church, and also to sell and dispose of, absolutely or otherwise, the remainder of the pews in the said Church, and apply the net proceeds thereof towards the repayment of the said money so borrowed;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That the Commissioners now appointed, or that may

hereafter be appointed under and by virtue of the said Acts, or the major part of them, be and they are hereby authorized and empowered, after setting apart pews as mentioned in the third Section of the said first mentioned Act, and subject to the rights of the owners thereof respectively, to borrow or procure by way of loan, upon the security of the said new Church, lands and premises, by way of mortgage, on interest, a sum not exceeding three thousand dollars, upon such terms and conditions as to interest, and the repayment of the principal money, as to the said Commissioners, or the major part of them, may appear expedient and advisable; and they shall apply such money towards the finishing of the said new Church.

2. That the said Commissioners, or the major part of them, may from time to time sell and dispose of, absolutely or otherwise, all or any of the remainder of the pews in the said Church, at such times, in such manners, and upon such terms, conditions, and stipulations, as to them, or the major part of them, may appear advisable; and the net proceeds of such sale or sales shall be applied by them towards the repayment of the principal money so borrowed; and the said loan, or such portions thereof as may remain unpaid when the said Church is completed and ready to be transferred by the said Commissioners, or the major part of them, to the Trustees and Congregation thereof, or either of them, together with the interest accruing thereon, shall be and continue to be a burthen and charge upon the said lands, new Church, and premises, until all such principal money and interest are fully paid up and satisfied; and the said Commissioners shall not be responsible for any part or portion of such principal money or interest in their individual and private capacity.

CAP. XLI.

An Act to authorize the Justices of the General Sessions of the Peace for Queen's County to raise money by way of Loan for the erection of a new Gaol in the said County.

Sec.

- 1 Justices authorized to issue Debentures; amount.
- 2 Debentures, by whom signed.
- 3 Money loaned under this Act, to whom paid.

Sec.

- 4 Justices may order assessment to pay off loan; amount to be assessed in any one year.
- 5 Money raised by assessment, to what purpose applied.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows :—

1. The Justices of the Peace in and for the County of Queen's County, in any General Sessions, or Special Session duly called for that purpose, are hereby authorized and empowered to issue Debentures to an amount not exceeding six thousand dollars, to be applied exclusively to the erection and completion of a County Gaol in the shire-town of said County, according to such plans and specifications as may be adopted and determined upon by the said Court of Sessions at any general meeting of said Sessions, or special meeting for that purpose duly called, or Committee thereof, and to issue Debentures, with Coupons for interest, at a rate of interest not to exceed six per cent. per annum, payable semi-annually to the holders thereof, in such form as the Sessions of the said County may deem expedient, redeemable at such time or times as the said Sessions may determine, the said time or times to be specified in each Debenture; which Debenture and Coupons shall be respectively negotiable in the same manner as promissory notes, and made payable to the lender or bearer.

2. The said Debentures shall be sealed with the common seal of said County, and signed by the Chairman of the Sessions, and countersigned by the Clerk of the Peace of said County, and shall be consecutively numbered according to the times at which the same shall be issued; and the Coupons shall also be signed by the Chairman of the Sessions, and countersigned by the Clerk of the Peace, and shall each bear the number of the Debenture to which they are attached respectively; and a record of such Debentures be kept by the Clerk of the Peace in his office.

3. All moneys loaned by the Sessions of the County of Queen's aforesaid, under the provisions of this Act, shall be paid to the County Treasurer of the aforesaid County, to be by him held and paid for the erection and completion of the said County Gaol, and for no other purpose or use whatever, and to be paid by order of the Sessions or Committee thereof, by cheque, in the usual manner, drawn upon the said County Treasurer.

4. The Sessions are hereby authorized to order, make and

levy a rate of assessment upon the inhabitants of the said County liable to be assessed for any rate of assessment, a sum not exceeding two thousand dollars in any one year, for the purpose of the payment of the principal sum borrowed, and interest thereon, besides the charges for assessing and collecting, until the whole sum borrowed, and the interest thereon, under and by virtue of this Act, shall be paid off; the said several sums to be assessed, levied, collected and paid in such proportions and in like manner as any County rates for public charges; and when collected shall be held and paid by the County Treasurer for the purposes of this Act, and for no other purpose.

5. The moneys so assessed and collected shall from time to time be applied in payment of the said Debentures, and the interest due thereon.

CAP. XLII.

An Act to provide a Fund for transmitting information to the General Government with reference to the Route of the Inter-Colonial Railway, and to defray expenses of Survey of Branch towards Houlton.

Sec. Preamble.

Sec.

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| 1 Justices may make assessment to defray expenses. | 2 Sum, how assessed and collected. |
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Passed 23rd March 1868.

WHEREAS it is of great importance to the County of Charlotte, that the most complete statistics and information be obtained and laid before the General Parliament with reference to the best route for the Inter-Colonial Railway, and that a Branch Line from the Saint Andrews Railroad be surveyed towards the boundary of this Province, near Houlton in the State of Maine;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. The Justices of the Peace for the said County, at their General Sessions in April next, or any Special Sessions to be for that purpose called; are hereby authorized to make a rate and assessment upon said County for a sum not exceeding one thousand dollars, to defray the expenses of procuring and transmitting to the General Parliament or Government at Ottawa, any statistics or other information with reference to the Frontier Route proposed for the construction of the Inter-Colonial Railway, and also to enable the said Justices

to contribute a sum not exceeding two hundred and fifty dollars in aid of individual subscription, to provide for a Survey of a Branch Line of Railway westward from the Saint Andrews Railroad to the boundary of this Province, near Houlton.

2. Such sum shall be assessed, levied and collected agreeably to any Act now or which may be in force for assessing, levying and collecting County Rates, and when recovered or collected, shall be paid over to the County Treasurer of said County, to be held and applied under the direction of the Justices of the Peace for the said County, for the purposes of this Act.

CAP. XLIII.

An Act in amendment of the Law relating to aid for the construction of Railways.

Passed 23rd March 1868.

WHEREAS by the provisions of an Act made and passed in the twenty seventh year of Her Majesty's Reign, intituled *An Act in aid of the construction of Railways*, it is provided that certain lines of Railway therein mentioned shall be entitled to aid from the Province, in the manner and on the terms and conditions expressed in the said Act, one of which is, that when one hundred thousand dollars has been *bona fide* expended by a Company in work on such road, the Governor in Council may pay to such Company twenty five thousand dollars; and whereas it is considered desirable, when any such roads shall not exceed in length twenty five miles, to lessen the amount required to be expended, in order to obtain a *pro rata* advance in aid under (in all other respects) the provisions of said recited Act;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That when any such line of Railway mentioned in said Act shall not exceed in length twenty five miles, and the Company building the same shall have *bona fide* expended fifty thousand dollars in actual work and material furnished for such road, it shall be lawful for the Governor in Council to pay such Company twelve thousand five hundred dollars, being a portion of aid for such road; and so in like manner, from time to time, as like further expenditures are made, or the road completed,

until the whole ten thousand dollars per mile, as provided for in the said Act, be advanced, any thing in the said recited Act to the contrary notwithstanding.

CAP. XLIV.

An Act relating to the Office of Solicitor General.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the Office of Solicitor General for the Province of New Brunswick shall be and the same is hereby abolished.

CAP. XLV.

An Act to amend Chapter 69, Title x, of the Revised Statutes,
'Of Sewers.'

Sec.

Sec.

1 Sec. 3, of cap. 69, Title x, in part repealed. 2 Where Proprietors shall meet to choose Commissioners.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That Section three, of Chapter 69, Title x, of the Revised Statutes, 'Of the Commissioners for the Parish of Sackville,' be and the same is hereby repealed, so far as the same relates to the place where the Proprietors of Marsh shall meet to choose Commissioners of Sewers.

2. That the said Proprietors shall meet for the purpose of choosing such Commissioners, at or near the residence of William Kinnear, in the Parish of Sackville, in the County of Westmorland.

CAP. XLVI.

An Act to repeal Section two, Chapter 62, Title viii, of the Revised Statutes, 'Of protection of Sheep and Moose,' and to make provision in lieu thereof.

Passed 23rd March, 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That Section two, of Chapter 62, Title viii, of the Revised Statutes, 'Of the protection of Sheep and Moose,' be and the same is hereby repealed; and in lieu thereof, the owner of any sheep or lamb maimed or killed, as in the first Section of the said Chapter, may

recover the damage sustained from the owner of the dog in the said second Section mentioned ; if such damage amount to or be less than twenty dollars, before any Justice, with costs, and if such damage exceed twenty dollars, before any Court of competent jurisdiction, with costs.

CAP. XLVII.

An Act in addition to and in amendment of the Act eighteenth Victoria, Chapter 37, intituled *An Act to regulate the Election of Members to serve in the General Assembly*, so far as relates to the County of Gloucester.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That at every Election hereafter to be held in the County of Gloucester for the Election of Members to serve in the General Assembly of this Province, the day for holding the poll, in case a poll should be demanded, shall be the first Monday after the day of nomination ; and that the day of nomination shall be at least three days and not over six days prior to the Monday on which the poll shall be held.

CAP. XLVIII.

An Act to establish a Polling place for the Parish of Derby, in the County of Northumberland, and in amendment of an Act to regulate the Election of Members to serve in the General Assembly.

Sec.

1 Sec. 25, cap. 37, 18th Victoria, in part repealed.

Sec.

2 Polling places appointed.

3 When old lists may be used.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That so much of the twenty fifth Section of an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to regulate the Election of Members to serve in the General Assembly*, as relates to the establishment of Polling places for the Parish of Nelson, in the County of Northumberland, be and the same is hereby repealed.

2. The following shall be the Polling places in the Parishes of Derby and Nelson in the said County, viz:—For the Parish of Derby, at or near M'Gee's, in said Parish : For the Parish of Nelson, for all electors residing between the upper

line of said Parish, and the upper line of lot number thirteen granted to George Henderson, and all electors residing on Barnaby River, from Alexander Saunders', on both sides of said river, to Shemogan bridge, including all electors in Shemogan ridge, at or near Dennis Kirk's, in said Parish; For all electors from said George Henderson's line downwards to the lower line of said Parish, and all electors from Shemogan upwards, on Barnaby River, including Nowlan settlement, at or near Fleet's Cove, in said Parish.

3. Provided that in case it may become necessary to hold an Election for the County of Northumberland before the Revisors for the said Parishes of Nelson and Derby, or either of them, shall have made out and transferred to the Clerk of the Peace the list of electors for each of the Polling Districts above mentioned, the Sheriff may use the list made out for the previous year, and the elector shall vote at the places heretofore accustomed before the passing of this Act.

CAP. XLIX.

An Act to establish an additional Polling place in the Parish of New Bandon, in the County of Gloucester.

Sec.

1 An additional Polling place established.

Sec.

2 District number two described.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That in addition to the Polling place at or near the Church in Grand Auncé, in the Parish of New Bandon, in the County of Gloucester, as now appointed by the provisions of the 25th Section of an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to regulate the Election of Members to serve in the General Assembly*, the following shall be an additional Polling place in the said Parish of New Bandon, for all electors residing or entitled to vote in that part of the said Parish which lies westerly of lands owned and occupied by William Kerr, that is to say, at or near the English Church in the said Parish of New Bandon.

2. All that part of the Parish of New Bandon which lies westerly of lands owned and occupied by William Kerr, shall be distinguished as District Number Two, and the remaining part of the Parish as District Number One.

CAP. L.

An Act to establish an additional Polling place in the Parish of Westfield, in King's County.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the following additional Polling place, for the election of Members to serve in General Assembly, shall be and is hereby established at or near H. Morrison's, head of Milkish, in the Parish of Westfield, for all electors residing or entitled to vote in that part of the said Parish which lies on the eastern side of the River Saint John; the above described part of the said Parish to be distinguished as District Number Two, and the remaining part as District Number One.

CAP. LI.

An Act to establish an additional Polling place in the County of Charlotte.

Sec.

1 Additional Polling place appointed.

Sec.

2 District, by what name distinguished.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That in addition to Polling places now appointed by the provisions of the 25th Section of an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to regulate the Election of Members to serve in the General Assembly*, the following shall be an additional Polling place in the said County of Charlotte, for all electors residing or entitled to vote in that part of the Parishes of Lepreaux and Pennfield, in the said County, which lies to the northward of a line to run true west from the most southern angle of the County of Queen's, until it strikes the eastern line of the Parish of Saint George, that is to say, at or near James Kindred.

2. The said District shall be distinguished as Clarendon District.

CAP. LII.

An Act, to authorize the Commissioners of Highways in the Parish of Hampton, in King's County, to establish certain Public Roads in the Village of Hampton in said Parish.

Sec.

1 Commissioners authorized to lay out and record certain Streets.

Sec.

2 Commissioners to adhere to present line of Streets.

Passed 23rd March 1868.

WHEREAS certain Roads in the Village of Hampton, in the County of King's, have not been recorded according to law, and have not been laid out through the said Village of the width of four rods: And whereas the lots of land on each side of said Roads have been transferred, with the boundary line of one side of them upon the said Roads: And whereas there are buildings erected fronting upon the lines of said Roads, all of which prevent the widening said Roads, unless great injustice be done to the property-holders upon each side of said Roads: And whereas said Roads are of a sufficient width for all the requirements of the said Village, and which Roads are severally named as follows—Saint James Street, Saint Andrews Street, Brunswick Street, Albert Street, Victoria Street, and Elm Street;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That the Commissioners of Highways for the Parish of Hampton, in King's County, are hereby authorized to lay out and record said Streets or Public Highways through the Village of Hampton aforesaid.

2. That it shall be the duty of the said Commissioners, or the major part of them, in laying out the said Streets or Highways, to adhere to the line of said Streets as at present used through the said Village.

CAP. LIII.

An Act to incorporate the Saint Andrews Steam Boat Wharf Company.

Sec.

1. Company incorporated.
2. Capital stock.
3. Who may call first meeting.
4. Corporation may pass bye laws, &c.
5. Calls, by whom made; proviso.
6. If call is not paid by stockholder, Company may sue.
7. On trial, what sufficient evidence.

Sec.

8. Production of Register to be *prima facie* evidence.
9. When shares may be declared forfeited.
10. Tolls may be levied.
11. Annual meeting, when held.
12. What Directors may convey by Deed.

Passed 23rd March 1868.

WHEREAS certain inhabitants of the Town of Saint Andrews, in the County of Charlotte, have erected a large and commodious Wharf in the Harbour of that Town, near the terminus of the Railway from Woodstock, which is of great public convenience and advantage, and are desirous of being constituted a Corporation, for the purposes of holding and

managing the said Wharf property, and collecting tolls and wharfage therefrom ;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows :—

1. That James W. Street, Henry Osborne, William Whitlock, John Aymar, Robert Ross, Henry O'Neill, and John S. Magee, their associates, successors, and assigns, are hereby made and constituted a body politic and corporate, by the name of "The Saint Andrews Steam Boat Wharf Company," and by that name shall have perpetual succession, and a common seal, and all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, and may sue and be sued, plead and be impleaded, and shall enjoy all proper remedies by law and in equity to secure and protect them in the exercise and use of the rights and privileges, and in the performance of the duties herein-after enjoined ; and the said Corporation are hereby authorized and empowered to hold and possess, and finally complete and keep in repair, the said Wharf now erected at the end of Patrick Street, in the said Town of Saint Andrews, and to extend the same, and erect warehouses or other buildings thereon.

2. The capital stock of the said Corporation shall consist of six thousand five hundred dollars, to be divided into six hundred and fifty shares of ten dollars each, with power to increase to ten thousand dollars ; and the immediate government and direction of the affairs of the said Corporation shall be vested in seven Directors, who shall be chosen by the members of the said Corporation in manner hereinafter provided, and shall hold their offices until others are chosen in their stead ; a majority of whom shall form a quorum for the transaction of business ; and they shall elect one of their number to be President of the Board, who shall be the President of the Corporation ; and the said Directors shall have authority to choose a Clerk, who shall be sworn to the faithful discharge of his duty, and a Treasurer, who shall be sworn and give bonds to the Corporation, with sureties to the satisfaction of the Directors, for the faithful discharge of his trust.

3. Any three of the persons named in the first Section of this Act are hereby authorized to call the first meeting of

the said Corporation, by giving notice in a newspaper published in the County of Charlotte of the time and place and purpose of such meeting, at least fourteen days before the time appointed in such notice.

4. The said Corporation shall have power to make, ordain and establish all necessary bye laws and regulations consistent with the laws in force in this Province, for their own government, and the due and orderly conducting of their affairs, and the management of their property.

5. It shall be lawful for the said President, Directors, and Company, from time to time, to make such calls of money upon the respective stockholders in respect of the amount of capital respectively subscribed or owing by themselves, as they shall deem necessary, provided that thirty days at the least shall be the interval between successive calls, and twenty days previous notice of payment being required for any one call, and shall be given in a newspaper published in the said County of Charlotte, and no call which shall be made shall exceed twenty five per cent. on the amount of capital or stock belonging to any individual; and every shareholder and his legal representatives shall be liable to pay the amount of the call so made in respect of the shares held by him, to the persons and at the times and places from time to time appointed by the said Company or the Directors thereof.

6. If at the time appointed by the said Corporation for the payment of any call, any shareholder fail to pay the amount of such call, it shall be lawful for the said Company to sue such shareholder for the amount thereof in any Court of Law or Equity having competent jurisdiction, and to recover the same with lawful interest from the day on which such call was payable.

7. On the trial or hearing of any action or suit to be brought by the said Company against any shareholder, to recover any money due for any call, it shall be sufficient to prove that the defendant, at the time of making such call, was the holder of one or more shares in the said undertaking, and that such call was in fact made, and such notice given, as directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such call, nor any other matter whatsoever, and thereupon the said Company shall be entitled to recover what shall be due on such call, and interest thereon, with costs.

8. The production of the Register of Shareholders shall be *prima facie* evidence of such defendant being a shareholder, and of the number and amount of his shares ; and with respect to the provisions in this Act contained for enforcing the payments, the word "shareholder" shall extend to and include the personal representatives of such shareholder.

9. In case any stockholder shall neglect to pay any assessment or call on his share or shares for the space of thirty days from the day appointed for the payment thereof, the Directors may declare the said share or shares forfeited, and order the Treasurer to sell such share or shares at public auction, after giving thirty days notice of such sale in such manner as the Directors may order, to the highest bidder, and the same shall be transferred to the purchaser ; and such delinquent stockholder shall be liable to pay to the said Corporation the balance, if his share or shares shall sell for less than the assessment due thereon, with interest, and costs of sale, to be recovered in the same manner as in this Act prescribed for the recovery of calls on shares, and shall be entitled to the overplus, if his share or shares shall sell for more than the assessment due, with interest, and cost of sale ; provided that no stockholder in said Company shall be in any manner whatever liable for any debt or demand due by the said Company, beyond the amount of his, her or their shares in the capital stock of said Company not paid up.

10. A toll is hereby granted and established for the sole benefit of said Corporation upon all property landed on the said Wharf, or stored in the warehouses thereon, at such rate as may be established from time to time by the Directors of the said Corporation, as also the right to demand a toll for side wharfage at such rate as may be established in like manner.

11. The annual meeting of the said Corporation shall be holden on the second Tuesday in January in each year, at such time and place as the Directors for the time being shall appoint ; at which meeting the Directors shall be chosen by ballot, each shareholder himself, or his proxy, being entitled to as many votes as he holds shares ; and the Directors are hereby authorized to call special meetings of the stockholders whenever they shall deem it expedient and proper, giving at least ten days public notice thereof in a newspaper published as aforesaid.

12. The Directors of the Company may from time to time, by Deed, subject and charge in such manner as they think fit, the said Wharf, and all the future property and effects, tolls, incomes and profits whatsoever of the said Company, or such parts thereof as the Directors may think fit; and every Deed executed by the Directors of the Company shall be under the common seal of the Company, which the Directors are hereby authorized to affix to every such Deed, and under the hands and seals of three or more of the Directors of the said Company; and every Deed so executed shall have as full effect, and be as binding and conclusive on the Company, and the Directors of the Company, as if the terms and provisions of such Deed were by this Act of Assembly expressly enacted and made binding and conclusive accordingly.

CAP. LIV.

An Act to incorporate the Fredericton Bridge Company.

Sec.	Sec.
1 Company incorporated.	10 Penalty for evading payment of toll.
2 Capital stock.	11 Penalty for wilfully injuring Bridge
3 First meeting, where held.	12 When shareholder may be sued by Company.
4 Persons entitled to vote at first meeting.	13 In action brought, what may be set forth.
5 Joint stock alone liable.	14 On trial, what necessary to be proved.
6 Where Bridge may be erected. Privileges granted to Company.	15 When Government may assume control of Bridge.
7 When Corporation shall make compensation. In case of disagreement, arbitrators to be chosen.	16 If Bridge is not built in three years, powers of Company to cease.
8 Company to erect turnpikes; tolls to be demanded.	17 Bridge not to interfere with navigation.
9 What speed horses or cattle shall be driven over Bridge; penalty.	

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That Robert Robinson, David Pugh, Thomas F. Barker, James M'Laggin, Samuel D. M'Pherson, Samuel Burpee, Samuel K. Nason, Thomas B. Dunphy, Thomas F. Saunders, Hon. Charles Fisher, Alexander Gibson, William Wheeler, and their associates, and such other persons as shall from time to time become proprietors of shares in the Company hereby established, their successors and assigns, shall be and they are hereby erected into a body politic and corporate, by the name of "The Fredericton Bridge Company," and by that name shall have all the general powers and privileges

made incident to a Corporation by Act of Assembly, for the purpose of constructing a Bridge over the River Saint John, at or near Fredericton, and of regulating and maintaining the same.

2. The capital stock of the said Corporation shall be two hundred thousand dollars, and shall be divided into eight thousand shares of twenty five dollars each, to be paid at such times and in such instalments as the business of the Company shall require; and the Corporation may, when necessary, extend the said capital stock to the sum of three hundred thousand dollars, and shall have power to increase the number of shares accordingly.

3. The first meeting of the Corporation shall be held in the City of Fredericton, in the County of York, and shall be called by David Pugh, or in case of his death, neglect, refusal, or absence, by any two of the Company, by giving notice in a newspaper published in Fredericton, at least fifteen days previous to such meeting, for the purpose of organizing the said Company.

4. No person shall be entitled to vote at such first meeting, unless he shall have previously deposited in some established Bank in this Province, to the credit of the Corporation, three per cent. on the amount of stock which he claims to hold, and produce and file with the Secretary of the said meeting the deposit receipt therefor.

5. The joint stock and property of the said Corporation shall alone be responsible for the debts and engagements of the said Company.

6. The said Company may design, erect, order, and build, or cause to be built, and to complete, maintain, and keep in repair, a Bridge across the River Saint John, between the City of Fredericton, in the County of York, and the Parish of Saint Mary's or the Parish of Douglas, in the said County, at any point between the said places which may be deemed most advisable and fit for such Bridge, and may dig and make proper foundations in the lands and grounds lying on each side of the said river, and may cut and level the banks of the said river in such manner as may be necessary and proper for building the said Bridge, and may cut, remove, take and carry away all and every impediment whatsoever which may in any wise tend to hinder the erecting and com-

pleting the said Bridge, and may execute all other things necessary and requisite, useful or convenient for erecting, building or maintaining and supporting the said Bridge; and may from time to time enter and go in upon the lands and grounds adjacent to the said river, on either side thereof, for the purpose of making surveys, examinations, or other necessary arrangements for fixing the site of the said Bridge; and they may explore, lay out and make a road not more than four rods in width, leading from either end of the Bridge to the main post road on either side of the said river; and for the purpose of erecting, building, maintaining, repairing and supporting the said Bridge, the said Company shall from time to time have full power and authority to land on either side of the said river, within one hundred yards of the said Bridge, all materials and other things to be used in and about the same, and there to work and use such materials and things according as they the said Company, and the persons to be by them appointed, shall think proper, without any previous agreement with the owner or owners, tenant or tenants of the property on which such Bridge, and every part thereof, shall be built, or in and upon which such surveys, examinations and other arrangements may be made, or through which such roads may be explored, laid out, worked, and made, or on which such materials and other things shall be landed, worked, or used, doing as little damage as may be, and making such satisfaction as hereinafter mentioned to the respective owners and occupiers of all lands and grounds, tenements and hereditaments, which shall be so used and occupied, altered, damaged, spoiled, taken or made use of.

7. The said Corporation shall make, allow and pay reasonable and proper compensation and satisfaction for all lands, tenements and hereditaments taken and occupied, altered, damaged or spoiled by means of, and for the uses and purposes of the said Corporation, to be agreed upon by the said Corporation and the respective owners and occupiers of such lands, tenements, and hereditaments; and in case of disagreement between the said Corporation and the said owners and occupiers, or any of them, then such compensation and satisfaction shall be determined by three arbitrators, one to be chosen by the said Corporation, and one by the owner or

owners, occupier or occupiers of the private property in question, which two arbitrators so chosen shall choose the third arbitrator; and in case of their not agreeing within ten days after their appointment, then and in such case it shall and may be lawful for the Governor in Council, upon application of the said Corporation, to appoint the third arbitrator; and the award of the said arbitrators, or any two of them, shall be final and conclusive in the matter referred to them; and in case any of the said owners or occupiers of such private lands shall decline making any such agreement, or appointing such arbitrator, then and in every such case the said Corporation shall make application to the Supreme Court of this Province, or some Judge thereof, stating the grounds of such application; and such Court or Judge is hereby empowered and required, from time to time, upon such application, to issue a writ or warrant, directed to the Sheriff of the County of York, or in case of his being a party interested, then to any Coroner of such County not interested, and in case of the said Sheriff and Coroner being both interested, then to some other person or persons who may be disinterested, commanding such Sheriff, Coroner, person or persons, as the case may be, to summon and empanel a jury of five freeholders within the said County, who may be altogether disinterested, which jury, upon their oaths, (all which oaths, as well as the oaths to be taken by any person or persons who shall be called upon to give evidence in the matter, the Sheriff, Coroner, or person or persons summoning such jury, is hereby empowered to administer,) shall inquire, ascertain and assess the distinct sum or sums of money, or annual rent to be paid, as the amount of compensation and satisfaction for the damages that may and shall be sustained by such owner or owners, occupier or occupiers of such private property as aforesaid; and the award, inquisition or verdict of such jury shall be retained and filed in the office of the Clerk of the Pleas in the said Supreme Court, and shall be final and conclusive between the parties; which amount so assessed as aforesaid, and the costs and expenses of such proceedings, to be taxed and allowed by the said Supreme Court, or one of the Judges thereof, shall be borne by the said Corporation, and shall be by them paid within thirty days after the said inquisition, award or verdict shall be filed as aforesaid.

8. The said Company shall erect and set up, or cause to be erected and set up, one or more gate or gates, turnpike or turnpikes, in, upon and across the said intended Bridge, or within twenty yards thereof, together with toll houses and proper necessary buildings, conveniences and fences, near to each gate or turnpike across the said Bridge, or on the road or avenue immediately communicating therewith, and within twenty yards of the said Bridge; and the respective tolls following may be demanded and taken by such person or persons as the said Company shall from time to time appoint as toll gatherer, for each and every time of passing over the said Bridge, that is to say:—

For every foot passenger, not to exceed five cents :

For every horse, mare, gelding, mule, or ass, not exceeding twenty cents :

For every carriage drawn by one horse or beast of draught, with one person, not to exceed forty cents :

For every horse or beast of draught, more than one, drawing a carriage, not to exceed ten cents :

For every person more than one with a carriage, not to exceed five cents :

For neat cattle, not to exceed eight cents :

For sheep, calves, or hogs, not to exceed two cents each :

but no toll shall be exacted from children under ten years of age; and the Corporation shall at all times, by bye laws, regulate, alter and lessen the rate of tolls, when deemed advisable for the interests of the Company, but in no case to exceed the rates herein specified, and at all times when the toll gatherer shall not attend to his duty, the gate or gates shall be left open, and the toll shall be collected in such manner as may be prescribed by the said Corporation; the rates of toll shall be fairly and legibly printed in large letters, and kept constantly exposed to the view of passengers.

9. No horse or other beast, or carriage of any kind, shall be taken, rode or driven over the said Bridge at a faster pace than a walk, under the penalty of twenty shillings for each and every offence, to be recovered with costs of prosecution against the owner or driver of such horse or other beast, before any Justice of the Peace of the County of York, on the complaint of the toll gatherer or any proprietor of stock in the said Company, on proof of the toll gatherer or any

other legal proof; the amount, when recovered, to be applied to the use of the said Corporation.

10. Any person who shall run or evade the payment of toll (from) crossing the said Bridge, shall forfeit and pay for the use of the said Corporation, a sum not exceeding ten dollars for each and every offence, to be recovered, together with the toll and costs of suit, as is directed in the last preceding Section of this Act.

11. If any person shall wilfully and maliciously, and to the prejudice of the said undertaking, break, damage, throw down or destroy any of the works to be erected or made by virtue of this Act, any such person shall be adjudged guilty of a misdemeanor; and every such person so offending, and being thereof lawfully convicted, shall be imprisoned for any term not exceeding ten years in the common jail or the Provincial Penitentiary, or fined in a sum not exceeding two hundred dollars, as the case may be, in the discretion of the Judge who tries the same.

12. If any shareholder shall fail to pay the amount of any assessment made by the said Company, or any part thereof, it shall be lawful for the said Company to sue such shareholder for the amount thereof, or so much thereof as may be and remain due and owing thereon, in any Court of Law or Equity having competent jurisdiction, and to recover the same with lawful interest from the day on which such assessment was payable, with costs of suit.

13. In any action or suit to be brought by the said Company against any shareholder, to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the said Company to declare that the defendant is the holder of one or more shares in the said Company, (state the number of shares), and is indebted to the said Company in the sum of money to which the assessment or assessments in arrear shall amount, in respect of one assessment or more, upon one share or more, (state the number and amount of such assessments), by means of which an action hath accrued to the said Company by virtue of this Act.

14. On the trial or hearing of such action or suit, it shall be sufficient to prove that the defendant at the time of making such assessment was holder of one share or more in the

said undertaking, and that such assessment was in fact made ; and it shall not be necessary to prove any other matter whatsoever ; and thereupon the said Company shall be entitled to recover what shall be due upon such call, and interest thereon.

15. Should the Provincial Government at any time after the passing of this Act be willing and desirous of assuming the said Bridge, and placing the same upon the Great Road establishment of this Province, for the free passage of all Her Majesty's subjects, and pay to the said Corporation the whole costs and outlay in and about its erection and maintenance, then and in such case the said Corporation shall yield and surrender up to the Provincial Government the said Bridge, with all things appertaining thereto, together with this Act ; and such Corporation from that time shall cease and have no longer any existence.

16. If the said Company shall not within three years from and after the passing of this Act, complete the said Bridge, or so as to make the same passable for horses and carriages, then and from thenceforth all and singular the powers and authorities vested in them by this Act shall cease and determine to all intents and purposes whatsoever.

17. Nothing herein contained shall be construed to extend to authorize the Company, in the erection of the said Bridge, to interfere with the navigation of the River Saint John.

CAP. LV.

An Act to continue the several Acts relating to the Maduxnakik Boom Company.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the eighth year of the Reign of Her present Majesty Queen Victoria, and also another Act made and passed in the tenth year of the Reign of Her said Majesty, intituled *An Act to amend the Act to incorporate the Maduxnakik Boom Company*, be and the same are hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and eighty.

CAP. LVI.

An Act relating to the Central Bank of New Brunswick.

Sec. Preamble.

- 1 Notice of closing affairs of Bank to be published in Royal Gazette.
- 2 When distribution of surplus funds shall be made.

Sec.

- 3 When stockholders shall be released from liability, and when Acts of incorporation repealed.
- 4 Proviso.

Passed 23rd March 1868.

WHEREAS the Central Bank of New Brunswick has for several years past ceased its operations and business, and has paid off all Notes issued by the said Bank so far as they have been presented for payment, and the Directors of the said Bank are desirous of winding up and closing its concerns, and of distributing the surplus assets of the Bank (if any) among the stockholders;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. A notice of the passage of this Act and of the intended closing of the concerns of the Bank, shall be published for twelve months in the Royal Gazette of this Province, in which notice all persons holding any Notes or Bills of the said Bank, or having any just and legal claims or demands against the said Bank, shall be required to present the same within twelve months from the date of such notice to the President of the said Bank at Fredericton.

2. After the expiration of such period, and the full payment of all Notes or Bills, and all just and legal claims and demands so presented, the President and Directors of the said Bank shall forthwith distribute the surplus of the funds (if any) realized from the assets of the Bank, among the stockholders, in proportion to their amount of stock.

3. When such distribution has been made, the stockholders of the said Bank shall be released from any further liability to the creditors of the Bank, or to each other, and the Acts of incorporation of the said Bank shall be deemed as repealed and no longer in force.

4. Provided always, that the stockholders of the said Bank shall be chargeable in their private and individual capacity, according to their respective interest therein, and shall continue and be holden for the payment of the Notes or Bills of the said Bank remaining unpaid (if any) for the term of two years after the passing of this Act.

CAP. LVII.

An Act to extend the time for the building of the Albert Railway.

Passed 23rd March 1868.

WHEREAS it is found desirable to amend the Act made and passed in the twenty seventh year of Her present Majesty's Reign, intituled *An Act to incorporate the Albert Railway Company*, and also an Act passed in the twenty ninth year of Her present Majesty's Reign, intituled *An Act to amend the Act to incorporate the Albert Railway Company*;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the time fixed in and by the fourteenth Section of the said first recited Act, for the *bona fide* commencement to build the said Railway, be extended for a further period of two years from the time of the passing of this Act, and that the time fixed for the completion of the said Railway shall also be extended for the period of five years from the time of the passing of this Act, notwithstanding any thing contained in the said last recited Act.

CAP. LVIII.

An Act to provide for the erection of a Public Wharf at Richibucto.

Sec.

1 When Justices may order an assessment.

Sec.

2 Amount to be assessed.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. The Justices of the Peace for the County of Kent, or the major part of them, at any General or Special Sessions of the Peace called for that purpose, to be holden in and for the said County, be and they are hereby authorized and empowered to make a rate and assessment on the Parish of Richibucto, in said County of Kent, for a sum not exceeding twelve hundred dollars, for defraying the expense of building, erecting and finishing a Wharf at the County ground, in front of the County Court House in the said Parish, for the use of the same, and for the erection of a Warehouse thereon, and to make such regulations concerning the erection of the said Wharf and Warehouse, and the management thereof, as to them may seem meet; the said sum of twelve hundred dollars to be assessed in two years in two equal sums.

2. The said sum, not exceeding twelve hundred dollars, so to be assessed as aforesaid, shall be assessed, collected and paid agreeably to any Acts in force for assessing, collecting and levying of County and Parish Rates.

CAP. LIX.

An Act to incorporate the Woodstock Manufacturing Company.

Sec.	Sec.
1 Company incorporated.	10 Powers of Directors.
2 What business Company may engage in.	11 Annual meeting, when and where held.
3 What property Company may hold.	12 Votes apportioned.
4 Capital stock.	13 President, how elected.
5 Shares, amount of each; when Company may commence business	14 Calls, how made; if calls not paid, shares may be forfeited.
6 Provisional Directors, how appointed.	15 Shareholder not liable beyond the amount of his stock.
7 Subscription books to be opened.	16 Municipality of County, &c. may commute assessments.
8 Shares transferable.	
9 Directors to be elected annually.	

Passed 23rd March 1868.

WHEREAS the establishment of Mills for the manufacture of Flour and Meal, and Factories for the manufacture of wood, woolen and other domestic products, is desirable for the promotion of the general interests of the people in this Province, and must tend to stimulate the energy and enterprise of its inhabitants;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That Robert A. Hay, William S. Shea, Anthony Kearney, William Dibblee, Thomas W. Longstaff, and Charles P. Connell, and all others who shall become shareholders in the said Company, shall be and are hereby constituted a body politic and corporate, by the name of "The Woodstock Manufacturing Company."

2. The Company may carry on the business of manufacturing flour and meal, as well as also goods and fabrics of all descriptions that are capable of being made or produced from wool, cotton, wood, and grain, as also such other goods of other materials and descriptions as they may deem it advisable to manufacture, whether of leather, India rubber, gutta percha, or any other material or commodity, and to employ all or any part of their capital and available means for the above mentioned purposes.

3. The Company may acquire, hold, lease and convey any

real and personal estate or property necessary and convenient for carrying on the operations of the Company.

4. The capital stock of the Company shall be forty thousand dollars, with power to increase the same from time to time to two hundred thousand dollars, such increase in every case to be authorized by a vote of not less than two-thirds of the shares of the Company, which may be passed at any meeting convened for the purpose, or at any meeting in the notice concerning which it is stated that it is proposed to increase the capital.

5. The capital stock of the Company shall be composed of shares of ten dollars each, and the Company may commence business and avail themselves of the powers conferred by this Act, so soon as ten thousand dollars of the said stock shall have been subscribed for, and five per centum thereof paid in.

6. The shareholders are hereby authorized and empowered to elect or appoint three or five provisional Directors, as they may deem expedient; such persons having qualified themselves for such office in the terms of this Act, shall be and are hereby constituted provisional Directors of the Company, and shall hold office until Directors under the provisions of this Act shall be elected by the shareholders as hereinafter provided, and until that time shall constitute the Board of Directors of the Company, with power to open stock books, receive applications for shares, and to allot shares to and amongst the said applicants, and to make and collect calls thereon, and they shall call a meeting of the subscribers of shares by notice in the manner hereinafter mentioned.

7. The Directors of the Company, or any three of them, may take all necessary measures for the opening of subscription books, and may receive the subscriptions of persons desirous of becoming shareholders in the Company, and may allot to such persons the number of shares that each or any of them shall have in the capital of the Company.

8. The shares in the capital of the Company shall be transferable in such manner as may from time to time be prescribed in the bye laws; but no share shall be transferable until all calls previously made thereon shall have been paid, or until such share shall have been declared forfeited for non-payment of calls.

9. The affairs of the Company shall be managed by a

Board of five Directors, to be elected annually from among the shareholders at their annual meeting, each of which Directors must be a proprietor of twenty shares in the capital stock of the Company, and they shall remain in office and be Directors until their successors shall be elected.

10. The Directors of the Company shall have full power and authority to make, amend, repeal and re-enact all such bye laws, resolutions, rules, and regulations, as shall appear to them proper and needful, touching the well ordering of the Company, the acquirement, management, and disposition of its stock, property, and effects, and of its affairs and business, the declaration and payments of profits of the said Company, and dividends in respect thereof, the form and issuing of stock certificates, and the transfer of shares, the calling of general and special meetings of the Company, the appointment, removal, and remuneration of all managers, agents, officers, clerks, artisans, workmen, and servants of the Company, the making and entering into bonds, agreements, and contracts, whether under the seal of the Company or not, and also in respect to the dissolution and winding up of the Company, and in general, to do all things that may be necessary to carry out the objects, and exercise the powers incident to the Company; and any copy of such bye laws, or any of them, purporting to be under the hand of the Clerk, Secretary, or other officers of the Company, and having the corporate seal of the Company affixed to it, shall be received as *prima facie* evidence of such bye laws in all Courts of Law or Equity in this Province.

11. An annual meeting of the shareholders of the Company, for the transaction of the general business of the Company, and election of Directors, shall be held at such time and place, and under such regulations, with regard to notice, as may be determined by the bye laws of the Company; previous notice of the first annual meeting shall be given in one or more public newspapers by three of the Directors, and of subsequent annual meetings, notice shall be under the hand of the Secretary of the Company, unless and until otherwise provided by the bye laws thereof, and the latter provision, with regard to notice, shall also apply to special general meetings; and in case of a vacancy occurring among the Directors by death, resignation, or other-

wise, the same shall be filled up for the remainder of the unexpired year, in such manner as may be prescribed by the bye laws of the Company.

12. Each share shall entitle the holder thereof to vote at all meetings of the Company, either personally or by proxy, such proxy to be a shareholder, and having a written authority, after the manner prescribed by the bye laws; and every shareholder shall have a number of votes equal to the number of shares held by him, subject to any provision of the bye laws, with reference to the registration and payment of calls, and all questions shall be decided by a majority of votes given in respect thereof.

13. The Company shall have a President, elected by the Directors from among themselves; the Directors may also appoint a Secretary, and such other officers as from time to time they may deem expedient, and may also require such officers and Secretary to give such securities for the faithful performance of their duties as the Directors may see fit to exact, and may also allow such Secretary and officers such salaries as may be agreed upon.

14. The Directors may make such calls upon the respective shareholders, in respect to the shares subscribed or held by them respectively, as they may from time to time deem expedient, such calls not to exceed ten per centum of the amount subscribed; and any such calls remaining unpaid after notice of six weeks given to the Secretary, may be declared forfeited in favor of the Company, as well as the amounts paid thereon, and such shares so forfeited may be disposed of in such manner as the Directors may see fit, and the net proceeds applied in deduction of the claims of the Company against the shareholders who shall have respectively been in default in regard thereto, and who shall remain liable for, and be bound to make good any deficiency in respect of their shares; or the Directors may first, should they deem it expedient, proceed by action or suit for any sum or sums due for a call or calls on such shares, with or without interest, and may afterwards, if not recovered in full, proceed by forfeiture as above directed; and in any action or proceeding which may be brought by the Company against any shareholder for any sum due on any call or calls, or any interest thereon, it shall not be necessary to set forth the special

matter, but it shall be sufficient to declare that the defendant is a holder of one share or more in the capital stock of the Company, and is indebted in the sum to which the arrears on the call or calls made on such share or shares amount, (together with interest, if any), and it shall only be necessary to prove that the defendant was proprietor of a share or shares, and that a call or calls had been made thereon, and notice thereof given to the defendant.

15. No shareholder of the Company shall in any manner be liable to or charged with the payment of any debt or demand due by the Company, beyond the amount of his or her subscribed share or shares in the capital stock of the Company.

16. The Corporations of the County of Carleton and the Town of Woodstock, respectively, may agree with the said Company to commute all Municipal assessments, for a fixed sum, payable annually, for a period not exceeding ten years, and may also wholly exempt any such property and business of such Company from assessment during a period of ten years.

CAP. LX.

An Act to alter and amend an Act to incorporate the Saint John Trades Co-operative Association.

Passed 23rd March 1868.

WHEREAS it has been found desirable to alter the Act passed in the thirtieth year of Her present Majesty's Reign, intituled *An Act to incorporate the Saint John Trades Co-operative Association*, so far as relates to the minimum amount of stock to be held by the said Association, and the number of members necessary to form a meeting;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That notwithstanding any thing to the contrary contained in the said recited Act, the minimum amount of the capital stock of the said Association may be one thousand dollars, instead of two thousand, as therein stated, and that as soon as one thousand dollars of said stock shall be subscribed as provided by Section nine of the said Act, the public meeting may be called and the Association organized in the manner therein enacted; and further that the number of members necessary to transact business at any duly summoned meeting of the Association shall be twenty five, instead of fifty, as in the same Section mentioned.

CAP. LXI.

An Act relating to the appointment of Commissioners of Sewers for the unreclaimed Marshes, Bogs, Swamps and Lakes in the County of Westmorland, bordering on the Missiguash River.

Sec. Preamble.

1 On application by majority of proprietors, Governor in Council may appoint Commissioners.

Sec.

2 Powers of Commissioners.

3 When Act shall come into operation.

Passed 23rd March 1868.

WHEREAS the boundary line between this Province and Nova Scotia, along the Missiguash River, runs through the unreclaimed marshes, bogs, swamps and lakes adjacent to said river, and the tributaries thereof, on the sides of said boundary, and it is desirable that the proprietors of said property, on both sides of said boundary line, should be enabled conjointly to reclaim and improve all the said property which lies to the north of the point where the line between marsh lands of William Fowler and Joseph Chapman, Esquire, meets said river;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That it shall be lawful for the Lieutenant Governor in Council, on the written requisition of the proprietors of the majority of acres of said property on the New Brunswick side of the said boundary line, from time to time to appoint two or more Commissioners of Sewers, who shall be sworn into office as directed in and by Chapter 67, of the Revised Statutes, 'Of Sewers,' who, together with an equal number of Commissioners to be appointed in Nova Scotia, shall form a Board to be called the "Missiguash Commissioners of Sewers," a majority of whom shall form a quorum.

2. The said Board of Commissioners, or a majority of them, shall have and exercise, as regards the said property on both sides of said boundary line, all the powers and privileges conferred upon Commissioners of Sewers generally, under and by virtue of the said Chapter 67, of the Revised Statutes, 'Of Sewers,' and in as full and ample a manner as if the said property lay wholly within this Province, and the whole of said Board of Commissioners were appointed by the Lieutenant Governor of this Province in Council, and it shall not be necessary to make separate rules for the portions of such property lying in this Province, nor to appoint separate officers, or take separate proceedings in reference thereto,

but the proceedings may be conducted throughout by the said Board conjointly, and all rates and assessments upon such property lying in New Brunswick may be enforced and collected pursuant to the provisions of the said Chapter 67, of the Revised Statutes, 'Of Sewers.'

8. That this Act shall not come into operation until an Act embracing the same, or similar provisions, be passed by the Legislature of the Province of Nova Scotia.

CAP. LXII.

An Act relating to the City Court in the City of Saint John.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the twenty seventh year of the Reign of Her present Majesty, intituled *An Act to enlarge the jurisdiction of the City Court of the City of Saint John, and in amendment of the Law relating to the said Court*, is hereby made perpetual.

CAP. LXIII.

An Act to incorporate the College of Saint Joseph, in the County of Westmorland.

Sec.

- 1 College incorporated.
- 2 Board of Governors, how constituted.
- 3 Powers of Board.

Sec.

- 4 Faculty, of whom constituted.
- 5 College Board, ditto.
- 6 Powers of Board.
- 7 When College may confer Degrees.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That the Roman Catholic Bishop, the Reverend C. Le-fevere, Roman Catholic Missionary in charge of the Church of Saint Thomas, Dorchester, the Reverend Michael John Donnelly, Roman Catholic Missionary in charge of the Church of Saint Joseph, Shediac, the Reverend — Bazage, Roman Catholic Missionary in charge of the Church of Saint Henry, Shediac, the Reverend Francis Babineau, Roman Catholic Missionary in charge of the Church of Saint Theresa, Botsford, the Reverend A. Gosselin, Roman Catholic Missionary in charge of the Church of Saint Peter, Dundas, and their respective successors, Roman Catholic Missionaries in charge of the said Churches respectively, Amand Landry, Esquire, Joseph Belliveau, Esquire, and their successors, their asso-

ciates and successors, be and they are hereby created and declared to be a body politic and corporate in deed and name, and shall have succession for ever, by the name of "The College of Saint Joseph."

2. The said persons and their successors in office shall be and constitute the Board of Governors of the said College for ever, and as such shall have full power and capacity to purchase, receive, take, hold, and enjoy, for the use and benefit of the said College, lands, tenements, and hereditaments; provided, however, that the annual value of the lands, tenements and hereditaments which they may hold for such purposes, shall not at any time exceed the value of one thousand pounds.

3. The said Board of Governors shall from time to time appoint and remove the President, Professors and Tutors of the said College, and such other instructors, officers, and servants, as they may deem necessary for carrying on the financial, educational and other departments of the said College, prescribe their duties, and allow them such remuneration for their respective services as they may deem advisable.

4. The President and the Professors appointed according to the third Section of this Act, shall constitute the Faculty of the said College.

5. The College Board shall consist of the Faculty and Board of Governors of the said College.

6. The College Board shall prescribe the requisites for matriculation, the course of study for undergraduates, and regulate all other matters relating directly to the department of education.

7. Whenever the said College of Saint Joseph shall have a Faculty consisting of a President and two or more Professors, and ten or more regularly matriculated students, it shall have full power and authority to confer upon properly qualified persons the Degree of Bachelor, Master, and Doctor, in the several Arts and Faculties, in the manner and upon the conditions which may be ordered by the College Board.

CAP. LXIV.

An Act relating to French Paupers in the Parish of Shediak, in the County of Westmorland.

Sec.

- 1 Assessors, by whom chosen.
- 2 Powers of Assessors.
- 3 Assessment, by whom ordered.

Sec.

- 4 French inhabitants, for what Poor Rates liable,

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That three Assessors and one Collector for Poor Rate purposes, for the French inhabitants of the Parish of Shediak, in the County of Westmorland, shall be elected by the French inhabitants only, at the time and in the same manner as other Town or Parish Officers, who shall be subject to the same pains and penalties for neglect or refusal to act, or the non-performance of their duties, as other Town or Parish officers; and when the said Town or Parish shall fail to elect, the Sessions shall appoint as in other cases.

2. That the said Assessors, Overseers, and Collector, shall have, as far as regards the Poor Rates for the support of the French Poor of the said Parish, all the powers incident to other similar officers respectively.

3. The General Sessions of the County shall have power to order an assessment upon the French inhabitants of the said Parish, for the support of French Paupers, as in other cases.

4. The French inhabitants of the said Parish shall not be liable for Poor Rates, except for the support of French Paupers as aforesaid.

CAP. LXV.

An Act to revive and amend an Act to incorporate the Magaguadavic Railway Company.

Sec.

1 Act 15 Vic., cap. 76, revived.

Sec.

2 Power to increase capital stock.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That an Act made and passed in the fifteenth year of the Reign of Her present Majesty, Chapter seventy six, intituled *An Act to incorporate the Magaguadavic Railway Company*, be and the same is hereby revived and continued in force until the first day of January in the year of our Lord one thousand eight hundred and seventy eight.

2. The said Company shall have power to increase their capital stock to a sum not exceeding two hundred thousand pounds, to be divided into shares of ten pounds each, subject in all respects to all the conditions and provisions of the said hereinbefore recited Act.

CAP. LXVI.

An Act to secure the navigation of the Winder Stream, a Branch of the River Magaguadavic.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That for the purpose of securing logs that may be driven down the said Stream, it shall and may be lawful to throw a Boom or Booms across the said Winder Stream at some convenient point on the lands of Thorot Goss, in the Parish of Saint George, in the County of Charlotte, lying on each side of the said stream.

CAP. LXVII.

An Act to amend the several Acts relating to the Alms House and Work House for the Parish and Town of Woodstock, in the County of Carleton.

Sec.

- 1 Commissioners, how and when appointed.
- 2 Pay to Commissioners.
- 3 Power of Board of Supervisors.
- 4 Duty of Commissioners.

Sec.

- 5 Commissioners not to enter into any contract over forty dollars without consent of Board.
- 6 Board to make Rules, &c.
- 7 What Acts repealed.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. The Commissioners of the said Alms House and Work House provided for by the said Acts, shall hereafter be appointed by the Board of Supervision mentioned in said Acts, on or before the second Tuesday in January in each year hereafter; and in case of such appointment not being made by such time, the Commissioners of the preceding year shall continue in office until others are appointed in their stead.

2. That the said Board of Supervision shall have power to pay the said Commissioners, or any or either of them, such sums of money as they may think fit, as compensation for their services, and may also provide for the payment of any contingent or necessary expenses connected with their duties as such Board of Supervision, and add the same to any assessment to be made under said Acts, and direct said Commissioners to pay the same to parties entitled thereto.

3. The said Board of Supervision shall have power at any time to remove and displace the said Commissioners, or any of them, and appoint others in their stead.

4. The said Commissioners shall be under the control of

said Board of Supervision, and shall conform in all respects to the orders and directions of said Board of Supervision in reference to the power and authority vested in said Commissioners by said Acts.

5. No contract or engagement of any nature or kind, involving an expenditure of over forty dollars, shall be finally concluded by the said Commissioners without the authority and sanction of said Board of Supervision; and no lease, or agreement for such, or any contract relating to the property belonging to the said Alms House or Work House, made by such Commissioners with any party, shall be valid or effectual without the concurrence of said Board of Supervision, signified by an endorsement under the hand of the Chairman thereof, written thereon, as follows:—

“Approved by Board of Supervision this — day of —
A. D. 18—.

L. P. F., *Chairman.*”

6. The said Board of Supervision may, if they see fit, make rules and regulations for the government of said Commissioners, to which said Commissioners shall conform in all things.

7. All parts of the said Acts to which this Act is an amendment, inconsistent herewith, are hereby repealed.

CAP. LXVIII.

An Act to enable the County Councillors of the Municipality of Carleton, to receive remuneration for their services.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the sixth Section of Chapter 45, Title vi, of the Revised Statutes, so far as the same may relate to the Municipality of Carleton, be and the same is hereby repealed; and in lieu thereof, at the time appointed for the election of Councillors for the County Council in the several Parishes, a vote shall be taken on the question of the payment of Councillors, and if it be decided by a majority of the Electors in such Parishes that the said Councillors shall be paid for their services, then it shall be lawful for the said Parishes to pay such Councillors a sum not exceeding one dollar and fifty cents per day during their actual attendance at any meeting of the County Council.

CAP. LXIX.

An Act relating to the Firewards in the Town of Saint Andrews, in the County of Charlotte.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That notwithstanding the provisions of Section 12, Chapter 52, Title viii, of the Revised Statutes, ‘Of Parish and County Officers,’ Justices of the Peace for the County of Charlotte may be appointed by the Sessions of the said County, as Firewards for the said Town of Saint Andrews.

CAP. LXX.

An Act to amend an Act intituled *An Act to empower and authorize the Justices of the Peace for the County of Charlotte to lease a certain piece of Common Land in the Parish of Saint Andrews, and to invest the proceeds towards the support of the Poor of the said Parish.*

Sec.

1 Part of former Act repealed.

Sec.

2 Rent of land, how applied.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That a part of the said recited Act in these words, “and to appropriate the proceeds arising therefrom towards the support of the Poor in the said Parish of Saint Andrews,” be and the same is hereby repealed.

2. That the rent of any Land leased by the said Justices, in pursuance of the powers in the said Act to them given, shall be applied for the benefit of the inhabitants of the Town of Saint Andrews, the said Land being held in trust for such purpose.

CAP. LXXI.

An Act to incorporate the Albert Skating Club.

Sec.

1 Company incorporated.

2 Capital stock.

3 Directors appointed.

4 Subscription list to be opened.

5 Shares shall be transferable.

6 Directors, when to be elected.

Sec.

7 Annual meeting, when held.

8 Calls, by whom made.

9 Bye laws, by whom made.

10 Liability of shareholder.

11 Joint stock alone liable.

Passed 23rd March 1868.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That E. B. Ketchum, A. Wesley Peters, John A. Beatty, Honorable John Lewis, John Wallace, Amos A. Bliss, and Elisha Davis, their associates, successors, and assigns, shall be and they are hereby constituted a body corporate and politic, by the name of the "Albert Skating Club," of Hillsborough, and by and under the said name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province, and may acquire for themselves and their successors and assigns, under any legal title whatever, such real and personal estate in Hillsborough, Albert County, as they may require; and the Directors thereof, for the time being, may sell, lease, underlet, assign, convey and transfer any such real and personal estate, lands, tenements and hereditaments held or to be held by the said Club, and for such price or prices, and on such terms and conditions, as they may see fit, and grant valid and sufficient discharges on such price or prices, or other moneys, and should they see fit, acquire other lands, tenements, hereditaments and premises instead thereof; and the said Directors may borrow money on the mortgage or other security of the said property of the said Corporation, or of any part thereof, for such time, and on such terms, and at such rates of interest, as they may see fit.

2. The capital stock of the said Company shall be one thousand dollars, divided into two hundred shares of five dollars each, with power to increase the same to two thousand dollars, by the issue of additional shares of five dollars each; such increase to be authorized by a vote of the shareholders specially convened for the purpose, or at any meeting in the notice convening which it shall be stated that it is proposed to increase the capital.

3. The said E. B. Ketchum, A. W. Peters, John A. Beatty, Honorable John Lewis, John Wallace, Amos A. Bliss, and Elisha Davis, shall be Directors of the Company until a choice of Directors, by election of the shareholders, shall take place in the manner hereinafter prescribed, and they shall have power to open books for the subscription of shares, and to make and collect calls thereon.

4. The Directors, or a majority of them, may open a subscription book, and receive the subscription of persons desirous of becoming shareholders in the Company, and may allot to

such persons the number of shares that each or any of them shall have in the capital of the Company.

5. The shares in the capital stock of the said Company shall be transferable in such manner as shall from time to time be prescribed by the bye laws; but no share shall be transferable until all the calls previously made thereon shall have been paid, or until such shares shall have been declared forfeited for non-payment of calls.

6. The Company may administer their affairs by any number of Directors, to be elected annually from among the shareholders at their annual meeting, their number and qualification being declared in the rules of such Company, and by such other officers, and under such restrictions touching their powers and duties, as by bye laws in that behalf they may from time to time ordain; and they may assign to any such officers such remuneration as they may deem requisite; and such Directors shall always hold office till their successors are appointed.

7. The annual meeting of the Company shall be held for the transaction of the general business of the Company, and the election of Directors, at such time and place, and under such regulations with regard to notice, as the bye laws of the Company shall determine; and until it shall be so determined, the first annual meeting shall be held on the second Monday in June next, which meeting may be adjourned from time to time; and in case of a vacancy occurring among the Directors by death, resignation, or otherwise, at any time previous to the annual meeting, the same shall be filled up for the remainder of the unexpired term by the Directors, if by them deemed expedient, or by so many of them as may be prescribed by the bye laws of the Company.

8. The Directors may make such calls upon the capital stock of the Company as they may from time to time deem expedient.

9. The Corporation may make all such bye laws, not contrary to law, as they may deem expedient for the government thereof, the maintenance and due regulation of their Skating Rink, and of their grounds and buildings connected therewith, the raising of capital by the issue of transferable shares or otherwise, the conditions under which shares shall be issued, and may be transferred or forfeited, the admission to

the Rink of non-shareholders, and the regulations to which such non-shareholders shall be subject, and the administration of their affairs generally; and may amend and repeal such bye laws from time to time, observing always, however, such formalities of procedure as by such bye laws may have been prescribed to that end, and generally shall have all needful corporate powers for the purposes of this Act.

10. No shareholder in the Company shall in any manner be liable to or charged with the payment of any debt or demand due by the Company, beyond the amount of his or her unpaid subscribed share or shares in the capital stock of the Company.

11. The joint stock and property alone of the said Corporation shall be liable for the debts and engagements of the same.

CAP. LXXII.

An Act in amendment of an Act intituled *An Act to incorporate the Fredericton Skating Club*.

Sec.

1 Additional persons added.

2 First and annual meetings, when held, and by whom called.

Sec.

3 Capital stock.

4 Third sec. of former Act repealed, and Directors *pro tem.* named.

Passed 23rd March 1868.

WHEREAS certain persons named in an Act passed in the twenty seventh year of the Reign of Her present Majesty, intituled *An Act to incorporate the Fredericton Skating Club*, failed to call the first meeting of said Company, as directed in and by the seventh Section of said Act;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That the following persons, viz:—Honorable John A. Beckwith, John Pickard, John L. Marsh, William H. Needham, and Adolphus G. Beckwith, who, with the persons named in the first Section of said recited Act, shall be and form the body corporate named in said Act.

2. An annual meeting of the Company shall be held for the transaction of the general business of the Company and the election of Directors, at such time and place, and under such regulations with regard to notice, as the bye laws of the Company shall determine; but the first meeting of the said Company shall be called by John A. Beckwith and Thomas

Temple, or either of them, at such time and place as they may direct, first giving one week's notice thereof in any newspaper published in the City of Fredericton; or in case of neglect or refusal of either of them, then by any other two of the Directors named in this Act; which meeting may be adjourned from time to time, as occasion may require: The seventh Section of the said hereinbefore in part recited Act is hereby repealed.

3. The capital stock of said Company shall be six thousand dollars currency, divided into six hundred shares of ten dollars each, in lieu of the capital named in the second Section of said recited Act.

4. The third Section of the said Act be and the same is hereby repealed; and the Directors of the said Company, until a choice of Directors is made by the shareholders as prescribed by the second Section of this Act, shall be Honorable John A. Beckwith, Thomas Temple, Dr. Hiram Dow, John Pickard, John L. Marsh, James Tibbits, Junior, and John Richards, who shall have power to open books for the subscription of shares, and to make and collect calls thereon.

INDEX

TO THE ACTS OF THE GENERAL ASSEMBLY.

31° VICTORIÆ, A. D. 1868.

Albert,

- Railway—Time for building, extended, 97.
- Skating Club, incorporated, 112.

Appropriations,

- To provide for expenses of Civil Government of the Province, 26.
- To provide for repair and improvement of Roads and Bridges, 27.

Assembly,

- Act to regulate election of Members of, 10.
- Election of Members of—Cap. 37, 18 Vic. amended, as relates to County of Gloucester, 82.

Attorneys,

- Admission of, 11.

Central Bank,

- Act relating to, 96.

Charlotte,

- Additional Polling place in County of, 84.

Clerk of the Crown on Circuits, and Clerk of Circuits,

- Act relating to the offices of, 45.

Circuit Courts, and Oyer and Terminer, &c.

- Acts amended, 41.

Circuit Courts,

- Sunbury—Time for holding, altered, 44.

Civil Government,

- Expenses of, 26.

College of Saint Joseph,

- Incorporated, 104.

Coroners,

- Saint John—Appointment of, 52.
- Venire issued to, 52.

County Courts,

- Act amended, 31.

County Councillors,

- Carleton—Remuneration to, 108.

Courts of General Sessions,

- Relating to, 44.

-
- Crown Debts,
Collection of, 14.
- Crown Lands,
Settlement of, 19.
- Debtors, Insolvent,
Cap. 124, Title xxxiv, amended, 40.
- Deeds,
Acknowledgment of certain, 20.
- Derby,
Parish of—Additional Polling place in, 82.
- Divorce and Matrimonial Causes,
Act amended, 48.
- Equity,
Justice in, 42.
- Firewards,
Saint Andrews, 109.
- Foster, Reverend Edgar Lowell
For relief of, 73.
- Fredericton,
Bridge Company, incorporated, 89.
City Council of, authorized to aid Railway, 56, 57.
Hotel Company, incorporated, 59.
Skating Club—Act incorporating, amended, 112.
- French Paupers,
Act relating to, in Westmorland, 105.
- Gaol Limits,
Power of Sheriffs to extend, 53.
Act relating to, repealed, 53.
- Hampton,
Commissioners of Highways in Parish of, authorized to establish
certain Roads, 84.
- Homesteads,
Exemption of, 48.
- Justices,
Jurisdiction of, 11.
Charlotte—Act authorizing to sell or lease certain Lands, amend-
ed, 109.
King's, authorized to sell certain Lands in Parish of Springfield, 63.
Queen's, authorized to raise money for new Gaol, 77.
- Justice in Equity,
Act amended, 42.

-
- King's,
Justices of, authorized to sell certain Lands in Springfield, 63.
- Kouchibouguacis,
Sorting Boom on River, 73.
- Legislative Council,
Constitution of, 53.
- Lumber,
Export Duty on, 89.
Survey and Exportation of, 89.
- Maduxnakik Boom Company,
Acts incorporating, continued, 95.
- Magaguadavic Railway Company,
Incorporated, 106.
- Missiguash River,
Commissioners of Sewers appointed, 103.
- New Bandon,
Additional Polling place in Parish of, 88.
- Paupers, French,
Relating to, 105.
- Police, Saint John,
Support of, 62.
- Public Wharf, Richibucto,
Erection of, 97.
- Public Works,
Repair and improvement of, 23.
- Queen's,
General Sessions—Times for holding, altered, 45.
Justices of—To raise money for new Gaol, 77.
- Railways,
Amendment of Law relating to construction of, 80.
Inter-Colonial—Justices of Charlotte authorized to assess County
for information relative to, &c. 79.
Magaguadavic—Incorporated, 106.
Woodstock, 23.
- Rates and Taxes, Saint John,
Law relating to, amended, 64.
- Receiver General,
Relating to the office of, 9.
- Revenue, Public
Collection and management of, 14.
- Richibucto,
Erection of Wharf at, 97.

-
- Saint Andrews,
 Steam Boat Wharf Company, 85.
- Saint John,
 Additional Polling place in, 12.
 Civic Elections in, 22.
 Appointment of Coroners for, 52.
 Police, support of, 62.
 Rates and Taxes, levying and assessing, 64.
 Shipwrights' Shipbuilding and Trading Company, 67.
- Saint Stephen's Church, Saint John,
 Trustees of, authorized to sell Lands, 75.
- Saint Joseph's College,
 Incorporated, 104.
- Sessions, General
 Relating to, 44.
- Sewers,
 Cap. 69, Title x, amended, 81.
 Appointment of Commissioners of, for Marshes on Missiguash
 River, 103.
- Sheep and Moose,
 Cap. 62, Title viii, for protection of, repealed, 81.
- Solicitor General,
 Relating to the office of, 81.
- Sorting Boom,
 Kouchibouguacis, 73.
- Supreme Court,
 Admission of Attorneys in, 11.
- Trades Co-operative Association,
 Act to incorporate, amended, 102.
- Trustees Saint Stephen's Church,
 Authorized to sell Lands, 75.
- Venire,
 Issued to Coroners, 52.
- Westfield,
 Additional Polling place in Parish of, 84.
- Winder Stream,
 Navigation of, 107.
- Woodstock,
 Alms House, &c.—Acts amended, 107.
 Manufacturing Company, incorporated, 98.
 Town of, authorized to aid Railway, 28.

